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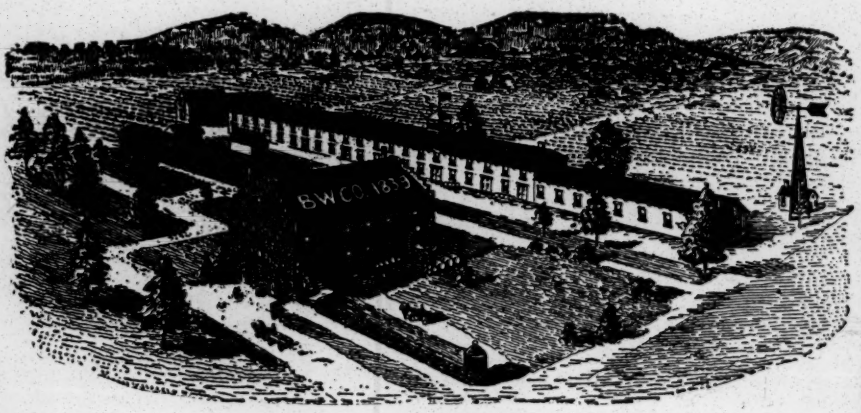

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THE
ECCLESIASTICAL REVIEW

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SOME QUESTIONS ON VITIATED MARITAL CONSENT.

WHOEVER has been taking notice of such modern trends as free love, companionate marriage, divorce and birth control knows that not all Catholics have remained unscathed: for " these most pernicious errors and depraved morals have begun to spread even amongst the faithful and are gradually gaining ground." [1] Few of us have a measured opinion on the extent to which Catholic marriages are affected by these evils and no one knows exactly. An idea may be gained by scanning the published decisions of the Roman Rota. In the first three years after its reëstablishment the Rota decided on marriage cases in which it was claimed that progeny or fidelity or sacramental indissolubility had been excluded, in the following ratio: in 1909, one; 1910, none; 1911, three. Ten years later the three year group appears as follows: in 1919, one; 1920, none; 1921, none. Then after another ten years: 1929, seven; 1930, nine; 1931, ten. In the year 1936 there were twenty-one such cases decided; in 1937 seventeen, and fifteen others were dropped, after reaching the Rota, without a decision on the merits.

Since all these cases and hundreds more have come and are still coming first to the notice and care of pastors, and then to the judgment of diocesan and metropolitan courts before reaching the Rota, pastors and curiae and those who act on behalf of the interested parties must have more than a mediocre knowledge of the canon law and practice governing them. Besides, pastors must have a full knowledge of the pertinent moral and

[1] Pius XI: Encycl. *Casti Connubii* (Vatican Engl. transl.), p. 4.

pastoral theology; but this essay leaves aside all discussion of what is to be done for the souls of penitents or confiders, either before or after the perverse marriage has been entered upon; it confines itself to questions of the external forum and particularly to the question of the invalidity of such marriages.

The canon law proposes to determine and declare what the law of nature has already established as requisite for true matrimonial consent; but as it is not easy to discern the exact ways and limits within which faulty consent, in nature's law, invalidates marriage, so the interpretation of the canon law and its application to a given marriage is, as Cardinal Gasparri says, as difficult to canonists as the established discipline (principle) is certain.[2]

I.

From the wording of the later Roman law, but in a slightly modified sense, the Church has formed that prime principle: *Nuptias non concubitus sed consensus facit.*[3] Since it is consent that makes marriage (*causa efficiens*), one sees at a glance that the total absence of consent or a defect reaching the vitals of the consent, precludes and destroys the marriage; and there are numerous sources from which such absence or defect of consent may emerge. Thus the consent may be entirely absent by reason of a firm will not to assent to the union at all, and this occurs when a party openly resists the exchange of marital consent, and also when a party consents fictitiously. Consent may likewise be entirely absent by reason of an infirmity of the will deriving from non-age, insanity, dementia, drunkenness, hypotism, etc. (Canon 1081, § 1). Or it may be vitiated in its vitals by ignorance (C. 1082), error in the identity of the person (C. 1083) or duress (C. 1087), or it may be suspended and never reach effectiveness by reason of a stipulation that holds off the consent and remains unfulfilled (C. 1092). In consequence there are numbers of cases tried in ecclesiastical courts where the invalidity of marriage derives from one of these sources. But this paper is not concerned with any such cases.

It is concerned with a certain type of defect described in Canon 1086, § 2 and 1092, 2°: "Si alterutra vel utraque pars

[2] Gasp., *De Matrimonia* (ed. 1904) ii, n. 979; (ed. 1932) ii, n. 800.
[3] L. 30 D. de R. I (50, 17) (Ulpian.)

positivo voluntatis actu excludat . . . omne ius ad actum coniugalem, vel essentialem aliquam matrimonii proprietatem, invalide contrahit. Conditio . . . de futuro contra matrimonii substantiam, illud reddit invalidum." Here you have a defect of consent which does not imply a total absence of will to assent, nor any infirmity of the will, for there is a firm will eliciting an active assent to contract a union with the other spouse; but this active assent merely screens a non-consent to contract *that* union which is properly called marriage, for it restricts the marital consent so as to exclude the substance of marriage at least in part (*causa finalis*), even while consenting to the union and pretending to consent to marriage. Persons who thus contract and exclude the substantial qualities desire marriage in a sense, and at the same time do not desire it; they desire what appears to be a marriage, but they do not desire what is necessary to make up a marriage, or, in other words, they do not give a complete consent, for they will their own perversity or restriction more than the marriage.

This inordinate act of the will may be considered in so far as it leaves something wanting to the consent, and then we say that the marriage is invalid because of the incompleteness, lack, defect of marital consent (*defectus consensus; c. mancus*). It may also be considered in so far as it gives something positively false to the consent, and then we say the marriage is invalid because of the restricted, false, fictitious, pretended consent or simulation of consent (*simulatio consensus*). Both points of view amount to the same thing, and in all such cases the question at issue is whether the consent is both defective and simulated. It is the defectiveness of the consent on the one hand, and the simulation or pretence on the other, that leaves the marriage contract without its substantial object, and nullifies the marriage.

The substantial object of a juridical contract, generally, is the desired thing, in its essentials, at least, and precisely in so far as the essentials or substance of the desideratum is attained. Thus, in Roman law, if two persons contracted the legal relationship of concubinage, a permanent sexual companionship was the substantial object of such a contract. But the substantial object of marriage has been determined by God: [4] it is the per-

[4] Pius XI, Encycl. *Casti Connunbii*, p. 5.

petual and exclusive right to that copulation which is by nature destined for begetting progeny; and hence the complete and only sufficient matrimonial consent is an act of the will by which each party gives and takes a perpetual and exclusive right to the body with a view to acts of themselves fitted to the begetting of progeny (CC. 1081, § 2; 1110). Hence true marital consent is directed toward a bond that is (1) perpetual, non-intermittent, indissoluble, allowing no divorce and remarriage (*bonum sacramenti*); (2) single, exclusive, one, allowing no rights of the kind with a third person (*bonum fidei*); and (3) to a bond whose natural purpose is the begetting and rearing of progeny (*bonum prolis*). This latter is the primary end of marriage (C. 1013, § 1); the two previous pertain to the essential properties of marriage (CC. 1013, § 2; 1086, § 2); and all three qualities fall under the term substance of marriage as used in Canon 1092, 2° and are called the benefits or blessings of marriage (*bona matrimonii*).

II.

If any of the benefits or substantial qualities of marriage are excluded from the marital consent, the marriage contract is invalid. But it is important to examine precisely which exclusions are so perverse that they invalidate, or, in other words, what are the objective qualities of an intent that thus nullifies. First of all then, no intention, condition or pact has any effect upon the validity of the marriage unless it was formed in its completeness prior to the contracting of the marriage. There is no retroactive effect of the perverse will that is formed after marriage has been contracted.

Second, no intention, condition or pact, however perverse or shameful in itself, has any effect upon the validity of the marriage unless it be relevant to the substance of marriage at its very heart and center; and any such shameful intent not relating to the substance of marriage, even though it be reduced to pact or condition, is, by simple presumption of law, held to be non-existent, as though it had never been affixed (C. 1092, 1°). Thus, even though a person marry in order to have a companion in thievery, this intent does not nullify the marriage.

Third, no intention, condition or pact, even though contrary to the substance of marriage, which respects only past events can

invalidate a present proposed marriage. Thus, if a contractual party were to say: " I marry you on condition that you practised birth control during your former marriage," this would not *per se* invalidate.[5] It might however invalidate the proposed present marriage *per accidens*, not only by reason of being a condition *sine qua non* hinging on a past fact that remains unverified (C. 1092, 4°), but especially if the condition be meant to be an expression of perverse intent governing the proposed present marriage, in spite of its being worded as though it referred only to a past event. In order to invalidate, then, the perverse intent must be, at the time the marriage is contracted, a present act of the will that is meant to influence the marriage contract and reach out, in effect, into the future married life. In this sense Canon 1092, 2° speaks of future conditions (*c. de futuro*) contrary to the substance of marriage.

Marriage is so grossly disturbed in its heart and substance as to be invalidated from its beginning by the following perversions: objects of a perverse intent on the part of the contractuals:

1. Respecting the benefit of progeny: " Si generationem prolis evites," Canon 1086, § 2 declares that he contracts invalidly who excludes *omne ius* to the conjugal act. Evidently, then, if a contractual has excluded every right and all rights, as though he were to say: " I marry, but you will have no right to any coition," the marriage is invalid. When such complete denial of marital right occurs, it is generally because of aversion of one party to the other, or because the marriage is entered upon merely for the gaining of some convenience, as in the classical case at Lisbon, where an antenuptial pact was signed in which the bride agreed never to have marital coition, but rather to enter a convent after the marriage.[6]

The denial of all right to coition, even if made out of a motive of preserving perfect chastity, invalidates marriage. This principle, which itself stands beyond controversy, is a fertile cause of difficulty when it comes to be applied to cases, and in partic-

[5] Cfr. Gasp. (ed. 1904), ii, n. 1021; Wernz-Vidal, *Ius Canonicum*, v, *Ius Matrimoniale*, p. 609 (31); Capello, *De Sacramentis*, iii, *De Matrimonio*, n. 642.—Aichner, *Compendium Iuris Ecclesiastici*, § 169, 2 and Weber, *Die kanonischen Ehehindernisse* (1886), p. 35 erroneously to the contrary.

[6] S. C. Concilii, Ulixbonen., 16 mart. 1720; 8 jul. 1724 (*Codicis Iuris Canonici Fontes* = cicf., v, nn. 3201, 3278); cfr. also S. R. Rota = R., Nullitatis, coram = c. Parrillo, 18 jul. 1923 (*S. R. Rotae Decisiones* = rd., xv, p. 173).

ular to the marriage of St. Joseph with the Virgin Mary. St. Thomas sought to obviate the difficulty by opining that, before her marriage Our Lady consented to the "copulam coniugalem," but not to the " copulam carnalem " except under the condition: " si Deo placeret ".[7] Others write of an agreement or proposal added to the marriage contract, rather as a modular clause or modality than as a condition strictly speaking.[8] Whatever the explanations of historic cases that deserve only the most reverent handling, the antenuptial proposal to exclude strictly the right of coition, in whatever form it be made, invalidates marriage.

But it also happens that persons contract for a so-called right to coition, yet restrict this right to lustful purpose, as though to say: " I marry, but the right to coition is bestowed only for sexual gratification excluding progeny." This is the denial of right to such coition as is directed to progeny, the primary end of marriage, or, in other words, it is the denial of the right to *marital* coition (cfr. C. 1081,§ 2). If the right is denied, the marriage is, without doubt, invalid.[9]

Cardinal Gasparri attacks the problem that arises from a woman's having, before marriage, purposely caused the excision of her own post-vaginal organs in order to avoid maternity after marriage, and he asks whether, apart from all question of impotence, the subsequent marriage is invalid because of an intention against the substance of marriage. He answers that the opinion of those who say the marriage is invalid is not *per se* true; for it may happen that this woman, when she actually marries, intends to contract for the right of coition without any restriction in respect to progeny; if this were not possible one would have to maintain the woman could no longer have marital consent, which is absurd, since this consent is an act depending on the will alone, and *post factum* the presumption in favor of validity forces the judge to incline to believe, in a doubtful issue, that she so intended; the more so since she is sure the coition

[7] *Summa Theologica*, III, q. xxix, art. 2.

[8] Gasp. (ed. 1904), ii, n. 1009; (ed. 1932), n. 901; W.-Vidal, v, n. 521; Linneborn, *Grundriss des Eherechts nach C. I. C.* (1922), p. 304; Chelodi, *Ius Matrimoniale*, § 125 (p. 136).

[9] Cfr. the interesting case of R., Null., 29 apr. 1922 c. Parrillo (rd., xiv, pp. 119 fol.); 14 mart. 1924 c. Chimenti (rd., xvi, pp. 105 fol.); 23 mart. 1925 c. Jullien (rd., xvii, pp. 129 fol.), which was finally taken to the Apostolic Signatura and decided in favor of nullity, 26 jul. 1926. Cfr. also R., Null., c. Mannucci, 7 jul. 1926 (rd., xiii, pp. 221 fol.); c. Parrillo, 5 dec. 1927 (rd., xix, pp. 497 fol.).

will be without fecundity.[10] However, Cardinal Gasparri admits the act offers a grave indication against the woman's intent to concede the required right: an indication that may be enhanced or diminished or destroyed according to the circumstances.[11] The proposal to procure sterility by medicines (*venenum sterilitatis*) creates substantially the same juridical problem and the same objective answer must be given.

Then, there is the intent to circumscribe the marriage right by performing abortions, after marriage, of the progeny already conceived or that may be conceived. This is tantamount to a denial of the right of progeny, for not only the begetting of progeny, but the bringing up of progeny is the primary end of marriage (C. 1013, § 1). Thus Pope Pius XI quotes with approval the words of St. Augustine declaring that this voids marriage.[12]

Similarly such kindred proposals as that of killing the progeny after birth constitute a denial of the right to progeny, and the proposal to expose and abandon the progeny after birth may or may not constitute a denial of the same right, according to the further intent that lurks behind the idea of abandonment.[13]

The bringing up (*educatio*) of progeny into physical life is part of the primary end of marriage by nature's law; by Christ's law education in the Catholic religion is likewise part of the primary end of marriage. But there is no evidence that Christ has so added this to the essentials of even Catholic marriage that it becomes necessary to validity; and questions of validity of consent are governed only by nature's law, unless the divine or

[10] Cfr. R., Null., c. Grazioli, 9 feb. 1927 (rd., xix, p. 47); Capello, iii, n. 601.

[11] Gasp. (ed. 1904), ii, n. 923; (ed. 1932) ii, n. 829.

[12] Encycl. *Casti Connubii*, p. 22 and St. Aug., *De Nupt. et Concupisc.*, cap. xv: "Sometimes . . . the foetus conceived in the womb is in one way or another smothered or evacuated, in the desire to destroy the offspring before it has life, or if it already lives in the womb, to kill it before it is born. If both man and woman are party to such practices they are not spouses at all; and if from the first they have carried on thus, they have come together not for honest wedlock, but for impure gratification; if both are not party to these deeds, I make bold to say that either the one makes herself a mistress of the husband, or the other simply the paramour of his wife." (Cfr. *idem* in c. 7, Decreti Gratiani, Caus. XXXII, q. ii).—Cfr. Capello, iii, nn. 601, 5°; 631, 2°; Hence it is difficult to assent to Vermeersch-Creusen, *Epitome Iuris Canonici* (ed. 1934) ii, n. 381 following DeSmet, in *Eph. Theol. Lov.*, 1927 asserting that the matter of abortion has no invalidating effect, because it properly pertains to the bringing up of the prôgeny.

[13] Lehmkuhl, *Theologia Moralis*, ii, n. 880 (p. 503) nota 1: "ex omnium sententia"; Chelodi, § 125 (p. 136); Capello, iii, nn. 601, 5°; 631, 2°.

canon law adds further invalidating clauses. Hence an intention or condition or pact to bring up the progeny in heresy, Judaism, or infidelity does not invalidate the marriage, and, as a shameful stipulation not touching the substance of marriage is held as non-existent (C. 1092, 1°).[14]

III.

2. In respect of the benefit of unity, fidelity, exclusiveness, also called conjugal honor or the faith of chastity: if the right to exclusive use of the body, i. e. if the obligation to chaste fidelity be shut out from the contract, the marriage is invalid. This is the case when a contractual intends to exchange marital rights with the other party, but also to reserve a right or obligation of bodily coition with a third party. And thus Pope Gregory declared those marriages invalid in which the contract provided for adultery: " si pro quaestu adulterandam te tradas," and the Holy See pronounced a marriage invalid in which a Greek Schismatic living at Pisa had hired a man-servant to marry a maid, and then remove forever to another town, in order that the Greek's son might have the maid as concubine in his house with impunity.[15]

IV.

3. In respect of the sacramental benefit of perpetuity and indissolubility: " donec inveniam aliam honore vel facultatibus digniorem: " if the perpetuity be shut out of the contract, i. e. if the party intends an intermittent, dissoluble, or trial marriage, the marriage is invalid. Only an intention contrary to the perpetuity of the marriage bond, however, invalidates the marriage; if only something other than the bond itself be excluded, e. g. social companionship, mutual consolation, permanency of cohabitation (*consortium vitae*), the marriage contract remains

[14] Lehmkuhl, ii, nn. 879, 880 nota 1; Gasp. (ed. 1904) ii, n. 1013; (ed. 1932) ii, n. 905; W-Vidal, v, p. 609 (32); Chelodi, § 125 (p. 136) says the contrary view is now conceded by all to be antiquated and erroneous; yet DeBecker, *De Sponsalibus et Matrimonio* (ed. 1908), p. 84; (ed. 1931), p. 126 and Capello, iii, nn. 600, 631, hold that the positive stipulation to education in heresy, etc. invalidates the marriage.

[15] S. C. C., 2 mai. 1868; 29 aug. 1868 (cicf., vi, nn. 4211, 4213).—R., Null. c. Parrillo, 12 aug. 1929 (rd., xxi, pp. 435, 436) declares that the reserving a right to unnatural sexual relationship with another does not have the same invalidating effect, and that when the obligation to fidelity is shut out from the contract in favor of such a relationship with another, this does not render the marriage invalid. This conclusion, it seems to me, is not beyond dispute.

valid. Thus, the Rota declared a marriage valid in which it was proved that the man, suspecting that his bethrothed had had illicit coition with another, married her under the stipulation that he would separate from bed and board if his suspicion turned out to be true.[16] But the denial of cohabitation, companionship, etc. may be an argument or indication of total simulation of marriage,[17] or of the denial of the right to marital coition.

Hence, when it is shown that a contractual had an intention of later obtaining a civil divorce, the ecclesiastical judge is called upon to interpret that intention. The words by which such an intention is expressed are, of course, the first key to the true intent of the contractual. But they are not alone determinative, and sometimes such expressions as: "I shall obtain a divorce," do not signify an intention contrary to the indissolubility of the marriage, but rather an intention merely to break off marital cohabitation under given conditions. When the intention to divorce has been expressed by a Catholic, especially if he be well instructed and careful of his religious duties, his words, if there be a doubt about them, must be interpreted to mean that only the civil effects of a divorce are sought: that cohabitation rather than the marital bond is meant to be broken off.[18] When it has been shown that a non-Catholic or a Catholic who was careless or poorly instructed had an intent to divorce according to the civil law, this intent must be interpreted according to the terms of the civil law by which the divorce is to be sought. In places, e. g. South Carolina, which admit of separation but not divorce from the marriage bond, the determination to seek a divorce through the civil courts must be interpreted as an intention against continuance in bed and board only, and not against indissolubility.[19] But where the civil law of divorce grants the divorced a so-called right to marry another, the intent to divorce must be

[16] R., Null. c. Rossetti, 24 mart. 1922 (rd., xiv, p. 77); cfr. similarly Gasp. (ed. 1904) ii, n. 1013; (ed. 1932) ii, n. 905.

[17] S. C. C., Mutinen., 19 aug. 1724 (cicf., v, n. 3282).

[18] R., Null. c. Jullien., 28 apr. 1928 (rd., xx, p. 145); Quaerelae Nullitatis et Null., c. Mannucci, 10 aug. 1929 (rd., xxi, p. 427); cfr. Luganen., Null. c. Jullien., 16 jan. 1930 (rd., xxii, p. 57); Leodien., Null. c. Guglielmi, 28 jun. 1930 (rd., xxii, p. 376).

[19] R., Null. c. Rossetti, 24 mart. 1922 (rd., xiv, p. 77).

interpreted as an intent against indissolubility.[20] This is all the more to be observed in the United States, because an aggrieved person may, in most states, petition either a divorce admitting remarriage, or a decree of separation from bed and board which does not admit remarriage.

In order to invalidate marriage it is not necessary that the intention against perpetuity be absolute, as though a contractual were to say: "I shall divorce this marriage no matter what happens." Such absolute intent to divorce is rare even in these days. More frequently a contractual hinges his intent to divorce and remarry upon a future event: "If she does not please me," or, "unless we meanwhile have children," or, "unless he become a Catholic". This conditional intent to divorce and remarry is nevertheless a reservation against the perpetuity of marriage, and expresses an intent to contract only a soluble marriage; hence the marriage is invalid.[21]

Canon 1086, § 2 declares also that the marriage is invalid if a contractual excludes some marital right, or some of the right, or restricts the right or obligation, or stipulates that it be not perpetual, as though he were to say: "I marry, and give the right to coition in the way of begetting progeny, but only for the first five years," or, "I marry and give the right to marital coition only until we have two children." That this is also in the intent of the canon becomes clear by considering the teaching of Cardinal Gasparri,[22] and other authors, and is illustrated in decisions of the Rota.[23]

But if the restriction is made to apply to the time just following upon the marriage ceremony, as though to say: "I marry you and give the right to my body in the way of begetting progeny, but not until a year shall have passed," it is difficult to know whether the marriage is invalid because only a non-per-

[20] S. C. S. O., Instr. ad Vic. Ap. Oceaniae, 6 apr. 1843 (cicf., iv, n. 894); R., Null. c. Guglielmi, 22 feb. 1927 (rd., xix, p. 52); Null. c. Massimi, 30 dec. 1927 (rd., xix, p. 549) which corrects *in hoc* the conclusion of the earlier court under Solieri, 16 jul. 1927 (rd., xix, p. 306).

[21] S. C. C., Eystadien., 17 nov. 1731; 9 feb., 8 mart. 1732; 21 jun. 1732 (cicf., v, nn. 3376, 3385, 3393); R., Neo-Eboracen., Null. c. Cattani, 1 mart. 1913 (rd., v, p. 193); Null. c. Guglielmi, 22 feb. 1927 (rd., xix, p. 55); c. Florczak, 15 mai. 1928 (rd., xx, p. 193); Null. c. Massimi, 21 dec. 1927 (rd., xix, p. 536).

[22] Gasp. (ed. 1904) ii, n. 919 says: "Si contrahens excludit vel limitat . . . "; the Code: "Si pars excludit omne ius . . . "; Similarly Gasp. in ed. 1932, nn. 825, 898.

[23] R., Null. c. Parrillo, 29 apr. 1922 (rd., xiv, p. 124); Null. c. Jullien., 23 mart. 1925 (rd., xvii, p. 132); Null. c. Morano, 6 aug. 1929 (rd., xxi, p. 381).

petual right was conceded, or whether it is valid because the stipulation was of a suspensive nature, and suspended the definite effectiveness of the marriage until the year had passed; in this way, just as with any condition pending future event, the contractual would be implicitly saying: " I marry you on condition that a year elapse beforehand." [24] To determine whether the parties thus suspended the effectiveness by a stipulation pending future event or not, let them be asked whether they engaged in sexual coition immediately after marriage or waited until the stipulated time had elapsed, and if they did not wait, whether they believed they had the right to have sexual coition just as other married couples.

If a marriage be contracted with the intent of observing the sterile period (*tempus ageneseon*), lately much in discussion because of the discoveries of Doctors Knaus and Ogino, and if, to make this intent effective, a contractual restricts the right of marital coition to the sterile period, such a restriction of the perpetuity of the marital right invalidates the marriage.[25] It is of no avail to argue contrariwise by creating a distinction between the perpetuity of the right (*jus perpetuum*) and the continuity of the right (*jus continuum*), as though to state that the marital right might be perpetual even though it be not continuous, but rather interrupted by the fecund period. " The perpetuity or indissolubility of marriage means that it creates between husband and wife a permanent bond so that at no moment do they cease to be husband and wife with the rights and obligations of such. Intercourse between them can never be fornication, and on the other hand intercourse of one with a third party will always be adultery. But the condition which restricts marital rights to certain periods would mean that the parties were husband and wife intermittently, and that intercourse between them outside the specified periods would be outside their marital rights and, therefore, fornication.

[24] Freisen., *Geschichte des kanonischen Eherechts*, p. 249; Gasp. (ed. 1904) ii, n. 1006; (ed. 1932) ii, n. 898; Lehmkuhl, ii, n. 689; Capello, iii, n. 631, 4°, 5°; cfr. cases in R., Null. c. Chimenti, 14 mart. 1924 (rd., xvi, p. 110); Null. c. Jullien., 10 feb. 1926 (rd., xiv, p. 22); c. Solieri, 12 aug. 1926 (rd., xvi, p. 334), and c. Massimi, 9 mai. 1928 (rd., xx, p. 177).

[25] Noldin-Schmitt, *Summa Theologiae Moralis*, iii, n. 631; Chelodi, p. 135 nota 5; Fliesser, " Ehewille und Bonum Prolis " (in *Theologisch-praktische Quartalschrift:* Linz = tqsl, 1937, p. 440).

Now this intermittent form of marriage is clearly opposed to perpetuity, for it supposes that the marriage is dissolved not once, but many times and again resumed. . . . In this case it is true that the parties do not intend or suppose that in the intervals when the marital right is non-existent they are free to dissolve partnership and to marry somebody else: they are supposed to wait for one another until the interval has expired. But this is only a kind of engagement or *sponsalia* agreement which binds the parties to remain faithful, but gives no marital rights." [26]

V.

4. The sacramental, grace-imparting quality of Christian marriage does not pertain by nature to the essential properties of marriage (cfr. C. 1013, § 2), although it is so bound up with Christian marriage that there can be no marriage contract between baptized persons without its being, by that very fact, a sacrament (C. 1012, § 2). In consequence, those who are ignorant that marriage is a sacrament; those who err and dispute the sacramental quality of marriage (C. 1084); those who have no intention to receive a sacrament, really do contract valid marriage and receive the sacrament too, for their prevalent will is to contract true marriage. But if a contractual's will not to receive a sacrament be so positive as to prevail over the will to marry, i. e. if, in a marriage between two Christians, a party say explicitly, or in effect: " I want the marriage, but I do not want the sacrament, otherwise I do not want the marriage," or, and this is the same thing: " I consent in marriage, but only on condition that I do not receive a sacrament," then the marriage is void,[27] not because of a condition against the essential properties of marriage (cfr. C. 1013, § 2), but because of a condition pending on a present fact, which does not and cannot exist (cfr. C. 1092, 4°).[28]

[26] *Irish Ecclesiastical Record*, xlix (Jan., 1937), p. 86; and Davis, *Moral and Pastoral Theology*, iv, p. 190; Wouters, *Manuale Theologiae Moralis*, ii, § 711; Vlaming, *Praelectiones Juris Matrimonialis*, ii, § 547, there quoted.

[27] Pius VI, Syllabus Errorum, n. 73 (cicf., ii, n. 543).

[28] In his edition of 1904, Cardinal Gasparrii, ii, n. 903 had stated (somewhat at variance with what he says ib. n. 921), that the marriage would be valid even if the sacramental quality were excluded by a true condition. This however, he omits and corrects in the new edition of 1932, ii, nn. 808, 827, 907.

VI.

To what extent, then, must the marital consent include a will to accept the marriage and the three benefits of marriage, and to what extent does an exclusion of these benefits nullify the marriage? In order that the marriage be valid the bond of marriage must be explicitly willed, for it is the free will of the parties that effects marriage; but the three benefits of marriage need not be explicitly willed, for it is God who has put these into the marriage: not the will of the contractuals. The consent to the benefits of marriage may be explicit or it may be implicit; explicit consent is but seldom directed to all three benefits of marriage, for the contractuals do not generally advert to the matter; however it is necessary to have at least implicit consent to all three benefits.

Without the necessary explicit or implicit will, there is but simulation of marriage. Simulation can have three degrees, according to the threefold scope of its object (*causa finalis*). First, a person can so pretend by words and actions as to give the impression that he is consenting to marriage, when in fact he is giving no internal consent at all. Such a person does not advert to any of the properties of marriage: he does not specially refuse indissolubility, exclusiveness or progeny; he refuses the marital consent entirely (*excludat matrimonium ipsum*); he has no intention of contracting; his consent is entirely fictitious, and his act is called a complete or entire simulation of consent (*simulatio totalis*). This complete simulation, of course, invalidates marriage (C. 1086, § 2).[29]

Secondly a person can have the intention of contracting, without having the intention of obliging himself to the entire substance of marriage: he denies or restricts the marital rights he is to give, or the obligations he is to assume; or, and this comes to the same thing, he denies or restricts the right and obligation of using the marriage in the proper manner. When the rights and obligations are thus restricted or denied, there is not even implicit consent to the benefits of marriage, and the simulation, even though it be not complete simulation of marriage, really touches the substance of marriage at its heart and is truly a

[29] Cfr. e. g. R., Null. c. Prior, 18 jul. 1911 (rd., iii, p. 346).

simulation of marriage (*simulatio partialis*).[30] Such simulation certainly invalidates the marriage.

But thirdly, there can be a will to convey the rights of marriage and accept the obligations, and at the same time an intention to abuse these rights and to fail to fulfil these obligations; the person who forms such an intent has the purpose of contracting marriage and of obliging himself to its substance, and he duly enters upon the essential rights and obligations of marriage, but he has not the intention of fulfilling the obligations incurred. He says, at least implicitly, "I marry and contract for every marriage right, and I hold this spouse to be the only person with whom I have these rights, yet I shall from time to time disport with another;" or, "I marry and contract for every marriage right including the right and duty to beget children, but I shall sometimes use the marriage bed for mere lust and avoid the natural effects of coition."

This distinction between these two kinds of partial simulation, i. e. an intent against exchanging marital rights and obligations on the one hand, and an intent against fulfilling them on the other, was but faintly indicated in the Decretal of Gregory IX; yet it is implicitly there (*conditiones contra substantiam coniugii*).[31] Later on, a more explicit distinction was made by various authors, though the terminology was not uniform. St. Thomas distinguishes between the benefit of progeny and fidelity "in seipsis, et sic pertinent ad usum matrimonii . . ." and "in suis principiis"; "ut pro prole accipiatur intentio prolis, et pro fide debitum servandi fidem."[32] Others following Sanchez (De Mat. lib. 2, disp. 29, n. 12) speak of the difference between an intention against the obligation and an intention against its fulfilment.[33] Others draw the same distinction by speaking of the essence of marriage, on the one hand, and on the other, of its use; or, of the rights of marriage, on the one hand, and on the other, of the exercise of one's rights.[34] The

[30] R., Null. c. Parrillo, 7 jan. 1929 (rd., xxi, pp. 13, 14); Null. c. Jullien., 5 jun. 1929 (rd., xxii, p. 215).

[31] The gloss to the word "contra substantiam" says: "... cum tria debeant esse bona matrimonii, saltem quoad propositum, scilicet fides . . ."

[32] *Summa Theol.*, III, q. xlix, art. 3.

[33] Gasp. (ed. 1904) ii, nn. 1005, 1006; (ed. 1932) ii, n. 898; W-Vidal, v, nn. 461, 462.

[34] Capello iii, nn. 600, 601.

expression "ius radicale" is also used in contradistinction to use of the right.[35]

This distinction between the right of coition and its exercise is also brought into the dispute on the validity of the so-called Joseph marriages. In order to avoid the imputation of invalidity by reason of a proposal not to convey the right to coition, some authors have proposed the distinction between the right and its use, and state that the marriage contract of St. Joseph and the Blessed Virgin conveyed the marital right to one another (*ius radicale; ius iuridicum*), but by their proposal or separate pact, they determined not to make use of the right.[36] Against this it is strongly objected, especially by some modern authors, that the distinction holds only in regard to ownership of material things, but not in regard to rights which of their nature are rights to use, such as the right of way over land, and the marital right of coition; and thus, they say, the conveying of such a perpetual right is illusory and unreal if there be a separate pact or proposal never to permit the exercise of that right.[37]

Just lately the distinction between the marital right and its use has been held to be of no avail, even in cases other than the so-called Joseph marriages; i. e. even in cases where a contractual has proposed a partial abuse of the marital right he is said to have conveyed. Thus, the Rota under Chimenti argued that the distinction should be renounced because of the wording *omne ius* of Canon 1086, § 2: "si . . . excludat . . . omne ius. . . ."[38] But this new and exceptional view of the matter was not upheld in the Instance of Appeal under Jullien, which explicitly asserted the propriety of the distinction between the right and its use.[39] It is trite that the Rota has otherwise made

[35] Cfr. R., Null. c. Parrillo, 5 dec. 1927 (rd., xix, p. 501).

[36] Lehmkuhl, ii, n. 882; W-Vidal, v, n. 521; Gasp. (ed. 1932) ii, n. 901: "Coniux enim hac conventione utique amittit ius morale utendi corpus alterius, non autem ius iuridicum, radicale, ut aiunt, in quo proprie matrimoniale vinculum consistit . . . "; cfr. R., Harlemen., Null. c. Grazioli, 26 mart. 1920 (rd., xxii, pp. 176 fol.).

[37] Chelodi, § 125; Blat, *Commentarium Textus Codicis I. C.*, iii, *De Sacramentis*, p. 621; cfr. also *Irish Eccl. Record*, xlii (May, 1934), p. 526 fol.; xlix (Jan., 1937), p. 85 fol.; Fliesser in tqsl., xv (1937), p. 425 fol.—This entire question is involved in difficulties and is far from being settled: even those like Chelodi, who deny the distinction between the right and its use, allow the validity of the Joseph marriages (somewhat illogically it seems: cfr. c. 1086, § 2) if the perpetual chastity is positively intended but not reduced to pact.

[38] R., Null. 14 mart. 1924 (rd., xvi, p. 108).

[39] R., Null., 23 mart. 1925 (rd., xvii, p. 131).

constant use of the distinction in innumerable cases.[40] And Fliesser rightly asks who would not recoil from the consequences if the distinction were not valid, and all marriages were to be declared void in which some intention had been formed not to fulfil the marital obligations in their completeness.[41]

The distinction between an intent to violate the rights contracted or fail to fulfil the obligations of marriage on the one hand, and not to exchange the rights and obligations, on the other, has its application principally in cases where the benefits of progeny and fidelity have been violated. When the intent is directed against the indissolubility of marriage there can be no valid distinction between the obligation of indissolubility and its fulfilment; for the indissolubility is violated in its heart and essence by the intention not to fulfil. It is, in fact, impossible to conceive an intent of binding oneself indissolubly to another and, at the same time, of violating the obligation in the only way this obligation can be violated, namely by breaking the bond itself.[42] Hence the quality of indissolubility is said to pertain to the marriage in fact (*in se ipso:* St. Thomas) as well as in principle (*in suis principiis*), and the marital will must be at least implicitly directed to the sacramental benefit of indissolubility, both in principle and in intent to fulfil.[43]

Similarly, in respect of the use of the sterile period, the distinction is invalid if there be question of violating the perpetuity of the marriage; for the intent to violate the perpetuity or continuity of marriage is an intent not to convey the right and obligation of perpetuity. But if a contractual merely intends not to use the right of coition during the sterile period, he does not necessarily intend to violate the perpetuity of the marriage bond. And in this sense it is proper to distinguish between violating the perpetuity, i. e. not conveying a perpetual, continuous bond, on the other hand, and restricting the intent to use the marriage, on the other.

[40] Cfr. e. g. R., Null. c. Many, 21 jan. 1911 (rd., iii, p. 16 fol.); Null. c. Sebastianelli, 7 feb. 1914 (rd., vi, p. 57 fol.); Null. c. Sebastianelli, 10 mai. 1916 (rd., viii, p. 140 fol.;) Null. c. Parrillo, 18 jul. 1923 (rd., xv, p. 173).

[41] Fliesser in tqsl., xc (1937), p. 439.

[42] S. Thomas, *Summa Theol.*, III, q. xlix, a. 3; cfr. R., Nicien., Null. c. Many, 21 jan. 1911 (rd., iii, p. 27); Null. c. Prior, 13 dec. 1912 (rd., iv, p. 461); Oregonopol., Null. c. Prior, 6 jul. 1914 (rd., vi, p. 250).

[43] R., Null. c. Parrillo, 7 jan. 1929 (rd., xxi, p. 13); Null. c. Jullien., 5 jun. 1929 (rd., xxi, p. 215).

The intention of violating the rights contracted and of not fulfilling the obligations assumed is a simulation of consent to lead an upright married life; but it is not truly a simulation of marriage, for it does not really touch the heart and essence of marriage, but merely its use; and the essence (existence) of a thing does not depend upon its use. Hence, this third kind of simulation does not invalidate marriage. A marriage is not invalid by reason of a contractual's intention to continue after marriage in other love affairs: to have a voiding effect upon the marriage contract the contractual's will must have shut out the obligation of fidelity from the contract; i. e. the consent must have been such that it allowed to another than the married spouse the right of coition.[44] Hence, likewise, a marriage is not invalid by reason of a contractual's intent to use contraceptives against progeny: in order to make the marriage void, the contractual must have shut out from the contract the obligation of engaging in such coition as is directed to (*in ordine ad*) parenthood; i. e. the consent must have been such that it gave the other party no right to use the marriage in the way of becoming father or mother of children.[45] So too, a marriage is not invalid because a contractual intended to avail himself of the opportunity to coition only during the sterile period: in order to invalidate, it is necessary that the contractual intended to exclude, strictly, all right to coition during the fecund period.

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[44] Cfr. R., Null. c. Jullien., 13 nov. 1925 (rd., xvii, p. 380).
[45] Cfr. R., Null. c. Guglielmi, 11 feb. 1928 (rd., xx, p. 49).

THE DOMINICAN RITE.

ONE OF the excellent results accruing from the increased interest manifested in the Liturgy in recent years is the discovery by many of the impressive rites of the Antiochene and Alexandrian liturgies. This has done something to destroy narrowness and prejudice and to form a more truly Catholic outlook on the part of our people toward communicants not of the Latin rite. As Adrian Fortescue forcibly puts it: "It is an unpardonable error, which ought never be made by educated people, to imagine that all Catholics are Latins, or that there is an inherent reason why a Catholic should use the Roman rite. Nor is there any superiority, any more Catholic quality in the use of the Roman rite than in the use of any other. . . . The ideal of the Catholic Church has always been perfect unity in the Faith. Her ideal has never been uniformity in rite." [1]

A more immediate and practical benefit of this liturgical renaissance has been education with regard to the different variations of our own Roman rite. Many people have been interested to learn that within the confines of our own land may be seen what the great liturgist, Cardinal Bona, termed "the flowers of various hues, whose diversity renders beautiful the garden of the Church".[2] If we visit a Benedictine monastery, we shall listen to a divine office quite different from the one used by secular priests, for the monks will be using the ancient *Breviarium monasticum*. If we extend our liturgical tour to the monasteries of the other old religious orders, we shall witness liturgical differences among the Calced Carmelites, the Capuchins, the Carthusians,[3] the Cistercians, the Dominicans, the Friars Minor, the Premonstratensians, and the Servites. With some of these orders, like the Servites, the differences are minor; but with others—especially the Calced Carmelites, the Carthusians, and the Dominicans—they are quite pronounced. And the Church desires to preserve these variants. First of all, because she has not forgotten that these orders greatly helped in the Middle Ages to spread and establish the Roman rite through all the

[1] A. Fortescue, *The Uniate Eastern Churches*, London, 1923, p. 10.

[2] Bona, *De divina Psalmodia*, cap. xviii, § 1. Similar language is used by Grancolas, *Commentarius Historicus in Romanum Breviarium*, Venetiis, 1734, cap. xv, p. 47.

[3] This is the only one of these orders not represented in America.

countries of the West; [4] and secondly, because these orders preserve a number of ancient usages of the Roman Rite, no longer observed elsewhere.

When the Church finds it expedient to adopt new customs, it is her practice to strive to preserve at least the memory of the old. As Professor Villien aptly phrases this principle: " . . . the Church is too respectful of tradition to give up any element which is full of pious memories, grace and virtue, and which, while instructing us, attaches us more closely to the faith of our fathers ".[5] In the case of the Dominican rite, we have a Roman ritual intimately associated with two of the greatest Doctors of the Church—Albert the Great and Thomas Aquinas, as well as with a host of great saints, martyrs, confessors, theologians, and other staunch defenders of the Church—men whose pious memories eloquently teach and inspire unflinching loyalty to the faith of our fathers. The liturgical uses which were the very warp and woof of the spiritual life of these men should not be unworthy of some attention.

To form a just appreciation of any rite of the Church, it is necessary to study its genesis. The importance of examining the source or sources ought to be obvious; but hardly less important are the circumstances attendant upon its birth and early development. For the influence of history upon liturgy is not to be denied; hence any serious misrepresentation of historical data, particularly regarding its formative period, tends to obscure—if not distort—one's view of the spirit and character of the liturgy in question. We see these principles clearly exemplified in the case of the Dominican rite.

Until recent years it has been the misfortune of this rite to have been persistently misrepresented as regards both its formation and its origin. Much of this falsification was due in no small measure to the misstatements of certain Dominican writers; for many liturgists, as Le Brun, Grancolas, Gueranger, Bäumer, Ebner, Batiffol and others naturally assuming that those writers knew the liturgical history of their own order quoted or adopted their statements. And thus the error continued to be spread.

[4] Dom Cabrol, *The Mass of the Western Rites*, London, 1934, p. 183.

[5] Villien, *History and Liturgy of the Sacraments*, London, 1932, p. 86.

To get at the very root of the matter the Latin Church's liturgical history antecedent to St. Dominic must be borne in mind. For many centuries there existed in the Latin Patriarchate a number of other rites in addition to the Roman rite, the most extensive of which was the Gallican. This venerable liturgy was finally suppressed by the determined efforts, not of the Popes, but of the Frankish rulers, Pepin and Charlemagne. But this victory for the Roman rite was secured only at the expense of Gallicanizing the liturgy of Rome. This composite Gallico-Roman rite became so popular that, with the exception of Milan, it swept away its rivals, *including the ancient rite of Rome itself*. Hence, from the eleventh century the rite of the Latin Church is nothing else but this Gallicanized form of the Roman liturgy.[6]

Not only did the ancient liturgy of Rome yield to the newcomer, but there sprang up gradually numerous variations of this composite rite. Even in the city of Rome, itself, according to Abelard,[7] there was diversity of office: the Curia followed one while the basilicas followed another. Monks were little inconvenienced by this condition, because of the restricted intercommunication between their various monasteries, or at least between the various groups. But St. Dominic was launching a new idea. His various houses as well as his different provinces were to be closely united; international conventions or "chapters" were to be held annually; friars of one province were to be sent to universities in other provinces for their studies; and meanwhile his missionaries were to swarm all over Europe. Furthermore, this order was to be instituted as an order of canons regular; as such it would be bound to the solemn celebration of Community Mass and to the choral fulfilment of the office. Obviously, an order of this type had imperative need of one, uniform liturgy.

Concerning the date of the Friars Preachers adopting a uniform rite, there has been a great deal of inaccuracy and confusion. Several writers have asserted that liturgical uniformity did not exist among the Dominicans until Humbert of Romans,

[6] Duchesne, *Christian Worship, its origin and evolution*, London, 1919, p. 104. Edmund Bishop, *Liturgica Historica*, Oxford, 1918, pp. 6, 15, 16. A. Molien, "L'Office romain," in *Liturgia*, Paris, 1931, p. 581. Fortescue, *op. cit.*, p. 182.

[7] Migne, *P. L.*, 178, *Epist.* X.

the fifth master-general of the order, published his revision of the liturgical books in 1256. This assertion is utterly at variance with the truth. Humbert himself, in his commentary on the constitutions of the Friars Preachers, gives the following brief account of the liturgical history of the Order: " From the beginning of the order there was much diversity in the office. Hence there was compiled one office for the sake of having everywhere uniformity. However, in the course of time, four friars from four provinces were entrusted with the task of arranging the office in better form. They accomplished this work and it was confirmed [*by various general chapters*]. But because there were still some corrections to be made, another commission, approved by three chapters was given to master-general Humbert ".[8]

Taking Humbert's statement as a basis for our study, we see that he divided the liturgical history of the order into four distinct periods:

1. the time of great diversity (1217- ?);
2. the uniform office (? -1246);
3. the revision of the Four Friars (1246-1256); and
4. Humbert's own revision (1256 to present day).

The disputed question, however is: what was the state of the Dominican rite prior to Humbert's revision? There are almost as many conflicting answers as there are writers on the subject. But all of these may be roughly grouped into two classes. The first group claims that previously to the Four Friars, " liturgical chaos "—to use Dr. Altaner's term[9]—reigned throughout the order; and, if any efforts had been made to secure uniformity, they had been ineffectual. According to this group, then, the work of the Four Friars represented the first decisive steps toward the compilation of a uniform rite. Many prominent persons hold this opinion: among them are, Altaner, Cabrol, Heintke, King, Wagner, and the Dominicans Constant, Cormier, and Smith.

The second group completely rejects the " liturgical chaos " opinion, and maintains that the " great diversity of uses " came to an end—even if perfection was not attained—several years

[8] *Opera de Vita Regulari*, ed. Berthier, Romae, 1889, vol. 2, pp. 152-153.

[9] Dr. B. Altaner, *Der heilige Dominikus*, Breslau, 1922, p. 109.

before the Four Friars received their appointment. Hence, according to this group, the purpose of the Four Friars was not to adopt a new rite but to improve the old one. Among the adherents to this thesis, we find the foremost Dominican historians and liturgists of modern times: Colunga, Laporte, Lavocat, Mandonnet, Mortier, Rousseau, and Walz.

After all, Humbert himself is the highest authority in this matter. He tells us plainly that in the beginning of the Order there was great diversity in the liturgical customs; because of this a uniform Office was compiled. Concerning this statement, two things are to be noted: 1. he does not say that conditions were " chaotic "—this is a modern exaggeration, " great variety " is not synonymous with " chaos ". 2. The period of confusion preceded the adoption of a uniform office. Humbert does not say that it also followed—another unwarranted assumption of some writers. He next tells us that in the course of time the Four Friars were appointed to arrange the office *in better form.* To leap to the amazing conclusion that this could mean only one thing—the uniform office had been a complete failure—is still another assumption. Is it such an unheard-of thing to have a revision for the purpose of *improving* an otherwise excellent liturgy? Rome has repeatedly revised her liturgical books; was this because, every time, her rite had become " chaotic "?

If we take the words of Humbert in their obvious sense, without trying to read into them some occult significance, we shall discover an explanation of his remarks in contemporaneous liturgical history. The thirteenth century witnessed " a liturgical revolution ".[10] Clerics had been struggling for a long time for a more practical form of portable office book or breviary. The Roman Curia, constantly travelling from one place to another, was especially interested in this movement, as it needed a simpler form of office. Under Pope Innocent III, who died in 1216, an ordinary was drawn up to simplify the office for the clergy of the Curia. Half a dozen years later this new breviary was adopted by the Franciscans, who simplied it still further.[11] The

[10] P. Batiffol, *History of the Roman Breviary*, London, 1912, p. 164.

[11] On the Franciscan revisions of this breviary in the thirteenth century, v. Golubovich, *Caeremoniale Ord. Minorum Vetustissimum*, in *Archivum Franciscanum Historicum*, III (1910), pp. 56, 57.

Franciscan edition was approved by Pope Gregory IX in 1241, and the Friars Minor carried the new breviary to all parts of Europe during the next several years. Naturally it aroused considerable attention and discussion among the clergy. Comparisons between it and the older types of breviaries were inevitable. This agitation in every part of Europe focussed the attention of the Dominicans upon the defects in their own office. And so, in a short time—exactly three years after the Papal approval of the Franciscan revision—the Friars Preachers determined to revise their own liturgical books.

The Four Friars were formally instructed to eliminate any variations that were found in " text, plain chant, and rubrics " and to " supply anything that was wanting ".[12] That this commission referred to the *perfecting* of a rite already possessing noteworthy merit and not to the compilation of a new liturgy is conclusively proved by a document of unimpeachable evidence. Nearly a year and a half before the Four Friars received their commission, that is to say, on 13 February, 1244, Pope Innocent IV granted permission to the Teutonic Knights to abandon their own rite and adopt that of the Friars Preachers.[13] We submit it is the height of absurdity to believe that the Teutonic Knights voluntarily gave up their own rite which they had used so long, and having all the variations of the Latin Church to choose from, deliberately selected one that was in the state of " liturgical chaos ". If they had done anything so absurd, it is hardly likely that the Pope would have given his solemn approval to such a choice. This choosing of the Dominican rite is, therefore, conclusive proof that the Dominicans possessed at this date not only a uniform ritual but also one of noteworthy merit.

This is corroborated by other evidence, for example, by the legislation of the general chapters of 1240, 1241, and 1242. Oddly enough, every writer who has quoted this law has interpreted it to mean that travelling friars were to use other rites *because the order did not then have one of its own!* This interpretation is erroneous and is due to a misunderstanding of the Latin text. Because of the number and prominence of those who have made this error, we quote the original text as given

[12] *Acta Cap. Gen. O. P.*, I, p. 33.

[13] E. Strehlke, *Tabula Ordinis Theutonici*, Berolini, 1869, p. 378.

in the *Acta* of the general chapter of 1240: " Item. Predicatores et eciam alii fratres itinerantes, sint contempti officio illorum ad quos aliquando declinant, residuum amoveatur." [14] It is to this text that Constant and others are referring when they say: " the chapters of 1240 and 1241 permitted the friars to say office after the manner of the place where they might be ".[15]

We fail to comprehend how this proves that the Dominicans had no uniform rite at this period. Ignoring for the moment the phrase " residuum amoveatur," the text is obviously dealing with preachers " and other travellers "; there is no question whatever of those dwelling in their monasteries. Furthermore, this excerpt from the *Acta* means the very opposite of what it appears to say. Every one of those writers has ignored the little phrase " residuum amoveatur "; but these words " let the rest be removed "—totally alter the meaning of the passage.

The capitular Fathers were referring to the *Liber Consuetudinum,* the ancient book of Dominican Constitutions.[16] The *secunda distinctio* of these primitive Constitutions contains a chapter (XXXIV) entitled " De itinerantibus fratribus ". The following is the opening sentence: " Praedicatores uel itinerantes cum in uia existunt officium suum dicant sciunt et possunt et sint contenti officio ecclesiarum ad quos (!) quandoque declinant uel eciam agant officium uel audiant apud episcopos uel prelatos uel alios secundum mores eorum cum quibus aliquando conuersantur." According to this law of 1220, friars " on the road " were to say the office as best they could ("prout sciunt et possunt "); likewise, the friars who were attached in any special capacity to bishops and other dignitaries of the Church were to conform to the customs of those with whom they were living.

The meaning of the capitular Fathers now becomes clear. They were calling attention to that part of the Constitutions which read: " Let preachers and travelling friars, etc.", and they were proposing that " the second part of that sentence be re-

[14] *Op. cit.*, I, p. 14.

[15] M. D. C(onstant), *La Liturgie Dominicaine*, in *Annuaire Pontifical Catholique*, Annee XXXV (1923), p. 19.

[16] Fortunately, a copy of this document is still extant: Codex XIV A 4, in the Archives of the Order, Rome. Denifle has published the *Constituciones antique ordinis fratrum predicatorum* in *Archiv für Litteratur- und Kirchengeschichte des Mittelalters*, Berlin, 1885, I, pp. 193-227. Mothon also edited it in the *Analecta O. P.*, 1896, pp. 621-648.

moved from the Constitutions—residuum amoveatur." Hence, according to the amended law, friars who were travelling might continue using—as they had been—the rites they encountered on their journey; but from now on, the privilege of using another rite was taken away from the friars who were living in the residences of Church dignitaries. The reason for this distinction is obvious. The Dominican rule obliged the brethren to journey on foot. Even Thomas Aquinas had to use this humble method of travel when he went from Naples to Paris. Such long journeys were fatiguing enough without the brethren being obliged to carry along with them a breviary and a heavy missal. Such an excuse however did not apply to those who were living for extended periods in one place. The action of the chapter of 1240, therefore, can mean only one thing: not only did the order possess a uniform rite, but it was now insisting that that rite be observed by those living outside the monasteries.

Part of the liturgical text used before Humbert's time has survived in a small manuscript now preserved in the archives of the order in Rome. It bears the modest title: *Brev. Ord. Praed. MSS. Sec. XIII.* It is a combination of a breviary and an antiphonary. A comparison of this manuscript with the corresponding sections of Humbert's exemplar shows that the master-general took page after page bodily from the older text. Unfortunately, we do not have the older rubrics and we therefore have no means of telling how much Humbert may have revised them. However, the master-general completed his revision in 1256; and in giving it to the Order he warned the brethren that it was impossible to please everybody—thereby giving us a hint as to what caused some of the opposition to the work of the Four Friars.[17] It was unquestionably to wipe out the last traces of opposition that the next master-general, Bl. John of Vervelli, sought and obtained (1267) formal papal approval of the " Dominican " rite.

If the age of the Dominican rite has been greatly misrepresented, there has been no less inaccuracy regarding its sources. Indeed, one grows bewildered in reviewing the dogmatic assertions of various writers: the Dominican rite was derived from the Carthusian—from the Cistercian—from the Premonstraten-

[17] *Litterae Encyclicae*, in *Mon. Ord. FF. Praed. Hist.*, t. v, p. 42.

sian—from the Gallican—from the rite of the Church of Paris—it is an ancient form of the Roman rite—it is a composite of the uses of the various churches of Europe, and on the litany goes! These statements, for the most part, were not based on critical research but on abstract reasoning; but, alas, no amount of abstract reasoning, no matter how ingenious, will supply the place of historical research.

Before attempting to answer the question as to the source of the Dominican rite, it will considerably clarify the subject if we define a few of the terms so constantly (and often very vaguely) used in connexion with this matter.

Just what is the exact meaning of the phrase " the Roman rite "? Cardinal Bona remarked that, since the days of St. Gregory the Great, no Pope has added to or changed the canon of the Mass.[18] It is possibly because of this statement that we so often hear the assertion that the *Mass* is the very same to-day as it was in the days of St. Gregory—an assertion that is unqualifiedly false. For the *canon* of the Mass is not the *whole* Mass, and while it is true that the canon has not been altered, both the text and ceremonies of the rest of the Mass have been changed and changed greatly. Furthermore, the Mass does not constitute the entire Roman rite but only part of it; and the rest of the rite has undergone many alterations in the course of ages. Thus, the Roman rite of the fourth century received a number of modifications down to the time of Gregory the Great, and that illustrious Pontiff introduced further changes. By the thirteenth century, numerous other prayers and ceremonies were introduced. This process persisted to the time of Pope Pius V; and even since then there have been modifications. Hence, while the Roman rite has not changed *substantially,* nevertheless, taken in its entirety, it has changed considerably not only since the fourth century but even from the time of Gregory the Great.

From this it follows that the phrase " the Roman rite " has a variable meaning, *the exact significance of which depends upon the period of time of which we predicate it.* The liturgical use of the Latin Church in the fourth century was just as truly " the Roman rite " as is her liturgy in the twentieth century; yet there is a very great difference between these two extremes.

[18] Bona, *Rerum Liturg.*, 1, II, cap. XI, no. II.

We have mentioned at the beginning of this article how the Gallicanized Roman Sacramentary completely displaced the old Roman rite and thus became the official liturgy of the Church. This composite rite, after its adoption by the Church, became the Roman rite—a title to which it had as much claim as has the present-day Roman rite. To continue calling the Roman rite of the twelfth and thirteenth centuries " Gallico-Roman " is apt to be misleading; for it may suggest to some that elsewhere in the Church there was another rite—the pure Roman. In reality, the so-called pure Roman rite had completely disappeared several centuries before St. Dominic was born. If we insist upon designating the liturgical practices of Rome in the thirteenth century " Gallico-Roman ", then, to be consistent, we should designate the present liturgy of the Latin Church the " Gallico-Roman rite ". We emphasize this point because some popular writers have naively asserted that Pius V restored the Roman rite " to its pristine [Gregorian] purity ". Any liturgist knows that he did nothing of the kind. As one of the greatest liturgists of our own day, Edmund Bishop, has pointed out: " . . . the new settlement of the Roman books, made in accordance with the desire of the Council of Trent, was based on existing practice without any elaborate antiquarian investigation whether that practice was due to foreign influence, or how far it was of genuine Roman origin ".[19] The present liturgical observance of the Latin Church is the Gallico-Roman rite, stripped of the exuberances which sprang up largely during the fourteenth and fifteenth centuries.

However, the old Roman rite had not the well-nigh perfect uniformity throughout the whole Church which it has to-day. The Church herself did not insist on such absolute uniformity. Thus it happened that some dioceses and some religious orders borrowed a great deal from the ancient Gallican liturgy, while others borrowed less. As a necessary consequence, some of the missals of this period quite closely approximate the old Gregorian Sacramentary, while others show considerable divergence. A detailed comparison of the missal found in Humbert's codex with the Gregorian Sacramentary reveals that there are astonishingly few textual differences between the Dominican and the Gregorian Mass. These differences are fewer than the variations

[19] *Op. cit.*, p. 17.

between the Dominican and the Roman missals of the thirteenth century; for in the case of these missals we occasionally encounter different prayers for the same Mass. Invariably it will be found that in such instances the Gregorian Sacramentary furnishes more than one prayer: the Roman missal took one, the Dominicans took another; but both are equally Gregorian.

As regards the " Gallicanisms " in the Dominican rite, that is to say, the prayers and ceremonies taken from the Gallican rite, it might be well to remind those writers who refer so contemptuously to them that many of the most beautiful and impressive ceremonies of the present Roman rite were borrowed from the grand, old, Gallican liturgy. Whatever Gallicanisms are found in the Dominican rite were not taken directly from the Gallican rite—for this had long ceased to exist—but from the Roman rite. As a matter of fact some of the Gallican customs incorporated in the Roman rite were rejected by the Friars Preachers in favor of the more ancient practice of Rome. On the other hand, there are Gallican usages in the codex of Humbert which are not found in the Roman rite of the present day. Lastly, an examination of the older *Ordines Romani* proves that the Dominicans preserved some of the old Roman customs which Rome abandoned.

To contend, therefore, as some have done, that the Dominicans based their liturgical practices on the Gallican liturgy is merely to betray an ignorance that is nothing short of abysmal. A careful comparison of the codex of Humbert with the various books of the Roman rite of the same period demonstrates beyond the possibility of cavil that the so-called " Dominican " rite is nothing else than the Roman rite. In other words, the " Dominican " rite is not Dominican at all, but a genuine Roman rite of the thirteenth century. However, the Church did not dream of a rigid sameness for all; dioceses and even religious orders were permitted to use modifications in non-essentials. Hence, following the general principle then observed throughout the Latin Church, the Dominicans, whenever they found a ceremony better suited to their end than the one in general use, did not hesitate to adopt it. In doing this they were heeding the advice that no less a person than Gregory the Great gave to Saint Augustine of Canterbury.[20]

[20] *P. L.*, lxxvii, 1186-1187, *Greg. Epist.*, xi, 64.

In this restricted sense, and in this sense only, can it be said that there is a " Dominican " rite. For the Friars Preachers did not invent any new ceremonies; much less did they " create " a new rite; nay more, there is evidence that the prolonged struggle in the order over the liturgy was due to the efforts of the Four Friars and Humbert to eliminate the influence of the Church of Paris and to Romanize *more thoroughly* the liturgy. This may explain why, in certain respects, the Dominican usage as revised by Humbert is a purer form of the old Roman rite than is the modern form of the Roman rite. This does not mean that the Roman rite as practised by the Dominicans represents the Gregorian in its purity. Most assuredly it does not. But in some things it does approach closer to Gregorian purity than does the Roman rite of the present day.

We have here one of the reasons why the Church desires to preserve the Dominican and similar old rites. The chief value of the Dominican, Carmelite and Carthusian rites is that they have kept for us very interesting forms of the Roman rite of the thirteenth and earlier centuries. It is to be regretted that the revisions made in the last several centuries have eliminated, from time to time, some of the ancient practices of these orders. For if these venerable rites are stripped of the characteristics distinctive of a by-gone age, they lose the very reason for their existence.

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FOREIGN INFLUENCES ON ANCIENT ISRAEL.

DESPITE the fact that God had said: "I will walk among you, and will be your God, and you shall be my people" (Lev. 26:12), and despite the Law and protests of the Prophets, the Israelites fell, from time to time, under the influence of foreign customs and religious practices. In order to understand the better these contacts with their heathen neighbors the geographical position of Palestine must be considered. Palestine stood between the two great powers of antiquity, Assyria and Babylonia on the east and Egypt on the southwest. Eastward of the Israelites dwelt the people of Moab, Ammon and Edom, the Medianites, the Ismaelites, the Kedarites and other wandering and lawless tribes. To the north lived the Phoenicians, of the same race and language as the Israelites, and therefore most likely to influence their art, literature and religion. These Phoenicians were the most important of the old Canaanite inhabitants of the country, and were preëminently a commercial people, whose merchantmen and caravans traded to the farthest limits of the then known world. Strange to say, despite their long sojourn in Egypt, this country exercised little influence on the Israelites. In the latter period of Hebrew history, first Assyria and Babylonia and then Persia took the place of Phoenicia. In 701 B. C. the Assyrians conquered all the country to the Mediterranean and carried the ten tribes into captivity; and in 586 B. C. the Babylonians overthrew the kingdom of Juda and led the Jews into exile at Babylon. Finally, Persia subjugated both of these nations and included Palestine in her empire and conquered Egypt.

In art, science and literature Egypt seems to have had little influence on the Israelites, who in these refinements seem to have drawn on Assyria and Babylonia. The "dial" of Achaz indicates some knowledge of Babylonian science (IV, Kings 20:11), and Proverbs (25:1): relates that Ezechias, king of Juda, established a library wherein scribes were employed in copying old books. This was a custom among the Babylonians, as well as among the Assyrians, who employed scribes and copyists and established libraries in every city. Although papyrus and parchment were used generally for writing purposes, Jeremias (32:10) seems to refer to a contract, drawn up in the Babylonian manner

on a clay tablet, which, after the signatures of the witnesses had been affixed, was covered with an outer coating of clay on which the subject matter of the contract was briefly indicated and the seals attached. To the Phoenicians the Israelites probably owed their alphabet, which had been adapted at an early date from the Egyptian hieroglyphics by the Phoenicians of the Delta. It is difficult, however, to trace Phoenician influence on Hebrew literature, though the fact that the Israelites captured Cariath-sepher, " the city of letters " (Josue 15:15) upon their entrance into Canaan, and that Phoenician literature antedates the time of Hiram and David, would seem to indicate that there was indeed some Phoenician influence on Jewish literature.

In art, however, the Phoenicians were the teachers of the Israelites, for Solomon brought " an artificer in brass " from Tyre (III Kings 7:13), and Hiram sent to David " carpenters and masons " (III Kings 5:6). The cherubs, palm-trees, pomegranates, lilies, lions, and other details of Solomon's Temple were undoubtedly Phoenician, for these were favorite subjects of this nation. It is true that Babylon was the home of the column as used in western Asia, as well as of the artificial reservoir or " sea," both of which Solomon borrowed for the adornment of his Temple (III Kings 7:23). The " pattern " of the altar at Damascus which Achaz ordered to be duplicated in the Temple of Jerusalem was undoubtedly Assyrian (IV, Kings 16: 10). Just as the Phoenicians borrowed the Egyptian Sphinx, so did they borrow the Assyrian cherub, and while the Israelites rejected the Sphinx, probably on account of its idolatrous connexion, they introduced the cherub in the decorations of the Temple.

In commercial relations the Israelites were closely allied with their heathen neighbors and thereby became contaminated with pagan practices. The trade of Western Asia in ancient times followed four main routes, two inland and two maritime. The first caravan route led out of Egypt, through Palestine, eastward across Syria to Carchemish on the Euphrates; then across Mesopotamia to the Tigris, Nineveh and Babylon and the Persian Gulf. The second caravan route led along the western coast of Arabia, through Mecca and the ancient Midian into northern Egypt and thence into Palestine. The first sea route was from Phoenicia by Cyprus and the islands of the Aegean to Sicily and Malta and the northern coast of Africa, and ended at

Tarcessus, near the present Gibraltar. The second sea route started from Asion-gaber on the Gulf of Akabah, down the Red Sea and along the southern coast of Arabia to Ophir at the mouth of the Indus.

The sea routes were followed by the Phoenicians; the first of the inland routes by the Midianites and Ismaelites (Gen. 37:25; 39:13.), the Themanites and Sabeans (Job 6:19) and the Dedanites (Isai. 21:13) and other nomad tribes; the second of the inland routes by the Syrians. The latter route formed the military road followed by Chodorlahomor (Gen. 14) and the later kings of Assyria, Babylonia and Egypt (IV Kings 23:29).

Under the Assyrian kings, whose wars with Tyre and Sidon were undertaken in the interests of Assyrian merchants, Carchemish, close to the great ford of the Euphrates, became the chief center of western Asiatic trade. From this city must have been brought the " goodly scarlet garment " and the silver and gold mentioned in Josue (7:21), as well as much of the ivory used by the Israelite and Phoenician kings and nobility (III Kings 10:18; II Paralip. 9:17; III Kings 22:39; Amos 6:4; Ezech. 27:6), although a large portion of this was supplied by the caravans of Arabia (Isai. 21:13; Ezech. 27:15) and the ships that traded with Ophir (III Kings 10:22). Sapphires and other precious stones came from Babylon (Cant. 5:14; Ezech. 28:13). In order to secure this trade Solomon built Baalath and Palmira to the south of Carchemish and the usual route (III Kings 9:18), and thus the stream of commerce was for a time diverted to a new and shorter route across the desert. This trade was for the most part in spices, gold and precious woods (III Kings 10:15), and it was through these commercial relations that Solomon became acquainted with the Queen of Sheba. His alliance with Hiram of Tyre was purely commercial; Hiram sent to Solomon sailors for his expeditions to India and received in return corn and oil, some cities of little value and the use of the port of Asion-gaber on the Red Sea (III Kings 9:13, 26). The United fleets of Israel and Phoenicia sailed every three years from Asion-gaber to Ophir, bringing back gold, silver, ivory, sandalwood, ebony, precious stones, apes and peacocks (III Kings 10:22). It is little wonder, therefore, that this commercial alliance should have brought about the corrupton of morals and the fall of the Israelites into luxury and idolatry. Solomon instituted com-

mercial relations also with Egypt, whence he imported horses and chariots (III Kings 10:28), some of which were later sent to Carchemish and sold to the Hittites and Syrians. A horse cost 150 shekels of silver, and a chariot with its three horses 600 shekels. This trade with Egypt brought the Israelites in contact with Egyptian idolatry and that of the Delta and was strongly opposed by the Prophets (Deut. 17:16; Isai. 30). After the death of Solomon commerce languished, although it was revived at intervals of prosperity. Thus Josaphat made an unsuccessful attempt to revive the trade with Ophir (III Kings 22:48), and the ships of Tharsis, spoken of by Isaias (2:16) taken in conjunction with the fact that Jonas found at Joppe " a ship going to Tharsis " (Jonas 1:3) seem to imply that in those days the Israelites had again become the rivals of the Phoenicians. Jewish merchants carried oil into Egypt (Osee 12:1) and brought back fine linens and girdles (Prov. 31:24). Commercial intercourse with Phoenicia was carried on at all times and undoubtedly had much to do with the introduction of the worship of Baal. Wheat, oil, honey and balm were exported to Phoenicia (III Kings 5:11; Ezech. 27:17), and fish, timber and " other wares " received in return (III Kings 5, 6, 9).

The political history of Israel relates many alliances with neighboring nations, many conquests and defeats, and there is no doubt that each of these contacts left its impression on Jewish thought and practice.

About 2100 B. C. a host of wandering strangers from Asia, called Hyksos or Shepherds, established themselves in northern Egypt and overthrew the reigning dynasties. It would seem that the visits of Abraham, Joseph and Jacob to Egypt must be placed during the reign of these Hyksos kings, and because the latter were of the same Semitic race, they were disposed to be friendly to the Hebrew Patriarchs. After some 500 years of rule the Hyksos were expelled and a new empire was established by the 18th and 19th dynasties, who restored Egypt to its former splendor, conquered Palestine and overran Mesopotamia. The Israelites, having been associated with the Hyksos, were consequently hated by the Egyptians, who began the series of oppressions which ended in the Exodus. This took place under the 19th dynasty, whose first and third kings bore the name of Ramses; Ramses I being undoubtedly " the new king of Egypt,

that knew not Joseph" (Exod, 1:8). But civil and religious difficulties brought about the ruin of this dynasty, and eventually Canaan was lost to the Egyptians, thus facilitating the conquest of that country by the Israelites under Josue. After the close of the 19th dynasty, Egypt again fell into decay and was governed by a number of lesser kings, the daughter of one of whom was apparently the princess married by Solomon. Sesac I founder of the 22nd dynasty, restored Egypt's glory and early in his reign received Jeroboam, the "adversary" of Solomon (III Kings 11:40), and later conquered Roboam and captured Jerusalem (III Kings 14:25). The 25th dynasty was composed of Ethiopians, who had conquered Egypt, and one of its kings, Sara, was defeated by Asa (II Paralip., 14:9). When the Assyrians threatened Israel Osee made a fruitless alliance with the Egyptian king Sua (IV Kings 17:4), while Ezechias received ineffectual aid from Tirhakah, under whom Egypt was likened to a "broken reed" (IV Kings 18:21). Josias was slain by Nechao when the latter was on his way to battle with the Assyrians; later this king deposed Joachaz and laid the Jews under a tribute of 100 talents of silver and one of gold (IV Kings 23:29, 33). Hophra sent an army to the assistance of Sedecias when the latter was attacked by the Babylonians (Jer. 37:5, 7, 11), and it was into Egypt that the Jews fled, taking Jeremias with them, after the murder of Godolias (Jer. 43).

The two great kingdoms of the Tigris and the Euphrates appear early in the history of the Israelites. According to Genesis (10:10) Nemrod was the founder of the kingdom of Babylon and Assur of Nineveh. At Ur, the ancient capitol of the Chaldeans, Abraham was born. About 876 B. C. the Assyrians laid Phoenicia under tribute, but shortly afterward Achab defeated them, and their king Benadad fled in disgrace (III Kings 20). In 742 B. C. Theglathphalasar II overthrew Hamath and the Hittites, then allied with Azarias, king of Juda; a few years later he received tribute from Menahem, king of Israel (IV Kings 15:19) and in 734 B. C. conquered the Philistines and exacted tribute from Achaz of Juda (IV Kings 16). About 721 B. C. Sargon captured the capitol of Israel and led into captivity 27,280 of its inhabitants, and at the same time checked an alliance which Merodach-Baladan, king of Babylon, desired to make with Ezechias (IV Kings 20:12). Sargon was

succeeded in 705 B. C. by his son Sennacherib, who four years later marched against Ezechias, overran Juda, and, confining Ezechias in Jerusalem, exacted from him a tribute of 30 talents of gold and 300 of silver (IV Kings 18:14). Finally Sennacherib, after sending into captivity 200,130 Jews, commissioned three of his generals to invest Jerusalem, but with divine intervention they were defeated and their army destroyed (IV Kings 19:36). Sennacherib was succeeded by Esar-haddan, who subdued Phoenicia and nearly depopulated Israel, after he had sent into captivity the idolatrous king Manasses (II Paralip. 33:11). He replaced the captive Israelites with a colony of idolaters, who by intermarrying with the remnants of the Jews produced the Samaritans. In 668 B. C. Saosduchin, called Nabuchodonosor in the Bible, but not to be confounded with the famous king of that name who reigned fifty years later, ascended the throne. Juda resisted his attacks and the heroic Judith killed his general Holophernes. In the latter part of his reign he was obliged to contend against Nabopolassar, governor of Babylonia; his empire began to break up and his capitol Nineveh was destroyed in 625 B. C., thus accomplishing the prophecies of Jonas, Tobias, Nahum and Sophonias. Nabopolassar was succeeded by his son Nabuchodonosor the Great, who immediately waged war on Juda. In 596 B. C. Joakim and the Jewish nobles were carried into captivity at Babylon, and eleven years later came the destruction of the Temple and of Jerusalem, the final overthrow of the Jewish monarchy and the beginning of the Exile.

Politically the Persians had little influence on the Israelites, and their kings were always friendly and favorable to the Jews. Cyrus founded the Persian Empire by conquering those of Media, Lydia and Babylonia, and thus making himself master of all western Asia. Moved by God, in fulfilment of Jeremias' prophecy (I Esdras 1:1), and perhaps also in return for the assistance which the Jewish exiles rendered the Persians on the invasion of Babylonia, Cyrus allowed them to return to their native land to rebuild their Temple. A large number of priests, but comparatively few of the people, took advantage of this permission and under Zorobabel the building of the Temple was begun and the prescriptions of the Law fulfilled. Owing to the opposition of the Samaritans the building of the Temple was stopped for sixteen years, but in the second year

of the reign of Darius, 519 B. C., after the capture of Babylon, the original decree of Cyrus was found, and a new and more favorable decree was issued by Darius. Esdras was dispatched by Artaxerxes, the grandson of Darius, to organize and reassure the Jews at Jerusalem, and shortly afterward Nehemias, cup-bearer of the same king, was appointed governor of Judea. Xerxes, the father of Artaxerxes, seems to have been the Assuerus of the Book of Esther. The monotheism of the Persians and their hatred of idolatry naturally produced a certain sympathy between them and the Jews, who repaid the favors which they had received, by acting as a military check on Egypt. When Alexander overthrew the Persian empire and Persian monotheism was replaced by Greek polytheism, the feeling of the Jews toward their former benefactors gradually changed and finally resulted in the wars and victories of the Machabees.

Although Phoenicia had been included in the Promised Land, its inhabitants resisted successfully all attempts to expel them (Judges 1:31), and Laish alone of the Sidonian towns seems to have fallen into the hands of the Israelites. Subsequently the intercourse between the Phoenicians and the Israelites was of a peaceful character. Hiram, king of Tyre, sought an alliance with the powerful David, and continued to be the friend of Solomon. After the division of the kingdom, Juda was cut off from any contact with Phoenicia, although Tyre continued to occupy a prominent place in the writings of the Prophets on account of the evil influence its wealth and idolatry exercised upon their countrymen. With the northern kingdom, however, Phoenicia remained on friendly terms, a result of which was the marriage of Achab with Jezabel, the daughter of the king of Sidon. Both Tyre and Sidon fared badly at the hands of the Assyrians and Persians, but always revived and eventually became the most prosperous states of northern Palestine.

To the northeast of Phoenicia were the highlands of Syria and the cities of the Hittites, and in the Old Testament this tract of country was known as Aram. The Hittites had two capitols, Kadesh in the south and Carchemish in the north, and remained a powerful people until conquered by Sargon. In patriarchal times a branch of the Hittite race settled in the south of Palestine near Hebron, and it is this branch that is usually meant in the Old Testament when the Hittites are named. To

it belonged Ephron (Gen. 23), Judith and Basemeth, wives of Esau (Gen. 26), Achimelech, David's companion (I Kings 26), probably also Urias (II Kings 11), and some of the wives of Solomon (III Kings 11).

Commercial and political intercourse with foreign neighbors, therefore, were the two main factors which caused the Jews from time to time to forsake their God and to adopt idolatrous customs and beliefs. The manner and extent of this defection can be measured by the consideration of these extraneous religions.

The foundation of Egyptian religion was the worship of the Sun. When the various tribes of Egypt were united by Menes under one government the individual local deities, such as Ptah of Memphis, Amon of Thebes and Thoth of Hermopolis, were united and eventually resolved themselves into manifestations of the Sun-god. The religion of the Egyptian priests and educated classes became pantheistic, to which the lower classes added the worship of animals. All classes, however, believed in a kind of immortality of the soul and a judgement after death, and as a result of this belief embalming of bodies was practised. Egyptian superstition never attracted the Hebrews, for the definite personality of God, so strongly promulgated soon after their migration from Egypt and so often expressed in the Old Testament, is in direct opposition to Egyptian pantheism. The danger feared by the Prophets, when they inveighed against and opposed any political alliance or commercial intercourse between Israel and Egypt, proceeded not from Egyptian idolatry but from the idolatry of the Semites living on the Delta, for these were of Phoenician descent and followed the religious traditions of the Phoenicians. Moreover, the ecclesiastical systems of the two peoples were essentially different. The Egyptian priesthood was secular, the priests holding various civil offices, and though to a great extent hereditary, it was still possible for an Egyptian of any rank or class to raise himself to it. Of this there is no trace in Jewish history. Hence we may conclude that Egypt exercised very little influence on the religion of the Hebrews.

The religion of the primitive Assyrians and Babylonians was Shamanistic, which held that every object or force of nature had its "spirit," good or bad, which could be forced to confer a benefit or to keep from doing harm by certain magic rites, known only to the Shamans or sorcerers. Later a hierarchy of

deities was established, with Anu (the sky), Ea (the deep), and Bel (the earth), heading the list. The throne of these deities was placed on the summit of a high mountain, " in the sides of the north " as the Prophet Isaias remarks (14:13). At the same time the study of astronomy brought with it star-worship, and certain gods were identified with the planets. About the year 2000 B. C. the Shamanistic and astro-religious systems were united and out of this union grew an almost innumerable number of deities. Direct Assyrian and Babylonian influence upon the Jews did not begin until the ninth and eighth centuries B. C., and was extremely strong during the Exile. In Amos (5:26) there is an allusion to Moloch and " the star of your god," and IV Kings (21:3) relates that Manasses " set up altars to Baal, and made groves . . . and adored all the host of heaven, and served them ". Isaias (65:3) rebukes the Jews because they " immolate in gardens and sacrifice upon bricks ". Small images, called " Teraphim," were set up behind the doors of private homes, as was the custom in Nineveh (Isai: 57:8; Osee 9). Horses and chariots were dedicated to the sun by the Jewish kings, as was done by the Assyrians (IV Kings 23:11). In Ezechiel (8:14) we read that " women sat there mourning for Adonis " at the " door of the Lord's house," Adonis being the Greek for Tammuz, a name of the sun-god. This worship of the sun, moon and stars was suppressed by Josias, of whom we read that he " destroyed the soothsayers, whom the king of Juda had appointed to sacrifice in the high places in the cities of Juda and round about Jerusalem; them also that burnt incense to Baal, and to the sun, and to the moon, and to the twelve signs, and to all the host of heaven " (IV Kings 23:5; cf. Jerem. 19:13; Soph. 1:5). This worship may possibly have been introduced by Achaz, whose inclination to foreign worship is shown by the altar which he caused to be made after the pattern of the one at Damascus and which he ordered Urias to set up in the Temple (IV Kings 16), and whose inclination to Babylonian astronomy is indicated by the " dial " which he erected in Jerusalem (IV Kings 20:11). It is probable that Achaz used this altar for purposes of divination, an art which he undoubtedly learned from the Babylonians (IV Kings 16:15). The moon was naturally the chief object of adoration among a nation of astronomers like the Babylonians, and though the attributes

of the Babylonian moon-god were transferred by the Phoenicians to "Ashtoreth," the queen of heaven, it is probable that the Jewish women learned "to knead the dough to make cakes to the queen of heaven and to offer libations to strange gods" (Jerem. 7:18), from the Assyrians. The demonology of the later Jews can probably be traced back to Babylon, whose inhabitants lived in continual fear of evil spirits.

The Persians were monotheists, disciples of their great teacher Zoroaster. Ormazd, the wise being, was held to be the one god who created the world, and in his name the Persian kings destroyed idols and idolatry in countries which they conquered. Next to Ormazd, but inferior to him, was placed Ahriman, the principle of darkness and evil, who had introduced sin and misery into the world, but who in the end would be overcome and destroyed. The Persians further believed in the fall of man brought about by the machinations of Ahriman, in a future state and in the resurrection of the body. Beyond the sympathy resulting from certain common beliefs, it is difficult to discover any marks of influence exercised by the Persian religion upon the Jews.

A common language, as well as proximity and commercial intercourse, caused the Israelites to be more strongly influenced by Phoenician beliefs and practices than by those of any other people. The Phoenicians shared the same religious beliefs as the Canaanites, Moabites, Edomites and Philistines, and a large part of their mythology and deities were originally borrowed from the Babylonians. Phoenician religion may be designated as a sensual nature-worship, in which the worship of the sun-god held the central place. This sun-god, called Baal (lord) or Moloch (king), was worshipped under a great many forms and attributes, each of which became a separate god. As the summer sun he was called Baal-Khamman or Amon, and as such placed at the head of the gods; as the waning sun he became Tammuz or Adonis, and as the sun with long rays Baal-Shemesh. In a word the number of sun-gods was infinite; each province had its own particular ones, and there was a new Baal for each aspect under which the sun could be adored.

Among the Philistines the sun was compared to a large fly, which would account for the title Baal-zebub, lord of flies. The oracle of Baal-zebub at Ekron, where answers seem to have

been obtained from the hum and motion of flies, was consulted by Ochazias (IV Kings 1, 2, 3, 6), and among the later Jews the name became a synonym for Satan, whence the Beelzebub of the New Testament. The spiritual side of sun-worship is reflected in the Assyrio-Babylonian Baal-Merodoch (Isai. 46:1), its grosser side was represented by the worship of the Moabite Beelphegor. When addressed as king, the sun was called Moloch by the Jews, Melchom by the Ammonites, and Chomos by the Moabites, although all three were essentially the same. To all these gods children were burnt in sacrifice, a custom which is now known to have been of Babylonian origin. In order to propitiate the summer sun, Baal-Khamman, the priests cut themselves with knives (III Kings 18:28). The ox, denoting strength, was the usual symbol of the sun, but this symbol was derived from the Babylonians, who placed the image of a winged ox at the entrance of their homes to guard against evil spirits. The cherub too was adopted from the Babylonians, but the two cherubim and the carved figures of " cherubim and palm-trees, and divers representations " (III Kings 6: 23, 29) made for Solomon, were undoubtedly the work of Phoenician artists, to whom these subjects were favorite devices. As has been stated, the Phoenicians worshipped nature, and hence too its generative powers; therefore, every god was provided with a wife. Thus by the side of Baal stood Baaltis or Ashtoreth, the Greek Astarte and the Assyrian Ishtar (III Kings 11:5, 33). Ashtoreth was considered the female reflexion of the sun-god, and in time came to represent the moon, which was considered a fainter reflexion of the sun, and as such Ashtoreth was addressed as the " Queen of heaven " (Jerem. 7:18).

With this outline of Phoenician religious beliefs in mind it will be easy to understand the forms assumed by Jewish idolatry. The Israelites were influenced by it both indirectly and directly. Indirectly, like their Phoenician kindred, the Israelites were inclined to sun-worship; hence the worship " on the high places " which were exposed to the rays of the sun, and the representation of the Lord under the image of a calf or ox (Exod. 32:4; III Kings 12:28; Osee 8:5). In thus representing the true God the Israelites undoubtedly identified him with the Baal or sun-god of the Phoenicians and other Semitic tribes, and, though

professing to believe him to be the one and true God, came to adore him under various forms and manifestations.

The direct establishment of Phoenician superstition was due to the marriage of Achaz to Jezabel (III Kings 16:31). The Baalim of the Phoenicians were introduced into Samaria and Juda, and the worship of the true God of Israel was placed on the same level, as, or even below, that of foreign idols. The way had already been paved by Solomon, when he " worshipped Astarthe the goddess of the Sidonians and Moloch the idol of the Ammonites " (III Kings 11:5), and even before his time the people had " served idols, Baalim and Ashtaroth, and the gods of Syria and Sidon and of Moab and of the children of Ammon and of the Philistines " (Judges 10:6). Joas, Gedeon's father, had an altar to Baal (Judges 6:25), which Gedeon was ordered to destroy. No sooner was Gedeon dead, when the Israelites " made a covenant with Baal, that he should be their god " (Judges 8:33) and Jonathan and his companions set up in Dan a " graven idol " which apparently was another Baal (Judges 18:30). The immoral institutions of Phoenician worship were common in Juda as early as the reign of Roboam (III Kings 14:23, 24; IV Kings 23:7), and in both Israel and Juda children were burnt or made to pass through fire in honor of the sun-god. Manasses was the first, however, who ventured to set up altars to Baal and to adore " all the hosts of heaven " in the very " courts of the temple of the Lord " (IV Kings 21:4-7; 22: 6, 11, 12).

The last five centuries, namely the years between Esdras and the proclamation of the Gospel, were the most important period in the history of Judaism. The first hundred years of this period are characterized by a complete absence of contemporary records, and in place of detailed history we have a bare enumeration of high-priests, now mostly mere names. And yet, even during this time Esdras complained: " The people of Israel, and the priests and Levites have not separated themselves from the people of the lands and from their abominations " (I Esdras 9:1). This period, however, was fruitful in internal development and consolidation, and those who steadfastly maintained the integrity of the Jewish religion were the students, scribes and teachers of the Law, known only under the name of the " Sopherim ". The great Scribe, Esdras himself, was the founder of

this school, which even after his death continued to exercise a great influence on the religious affairs of the Israelites.

In 333 B. C. Alexander the Great became master of the East, and immediately put into effect a policy intended to unify the various elements of his far-flung empire, namely the diffusion of a common language and civilization. According to Josephus the Oriental races were to be " saturated with Hellenic culture " by means of Greek colonies, which sprang up everywhere in the wake of the victorious army. Entirely new Greek towns were founded, and the older cities were leavened by Greek settlements. The successors of Alexander continued his work until a century and a half later the rising tide of Hellenic ideas threatened to engulf all that was distinctive in Judaism. Under this Greek culture and civilization the internal and external life and growth of Judaism was profoundly modified. It was during this period that Aramaic displaced Hebrew as the popular language, although the latter was retained as " the sacred tongue " and the language of the learned. The ultimate effects of this Greek influence, however, must not be exaggerated, and the Jews of Palestine were drawn less than their brethren of the Dispersion [1] into the fascinating toils of Greek speculation, for the Palestinian Jew regarded Greek philosophy with suspicion. Nevertheless, from the foregoing facts, culled here and there from the Sacred Scriptures and profane history, it can plainly be seen that Israel came from time to time under foreign influences and that religious ideas and ideals were developed until they assumed the form with which the pages of the New Testament have made us familiar.

JOSEPH I. SCHADE, S.T.L.

Lansdale, Pennsylvania.

[1] Cf. " Political and Religious Status of the Jewish People in the Days of Our Lord," ECCLESIASTICAL REVIEW, August, 1936.

Analecta

SUPREMA SACRA CONGREGATIO S. OFFICII.

Decretum de Competentia in Causis Matrimonialibus, et de Iure Promotoris Iustitiae accusandi Matrimonia Acatholicorum

DUBIA

Propositis Supremae huic Sacrae Congregationi Sancti Officii sequentibus dubiis:

I. Utrum decisio Supremae S. Congregationis S. Officii data die 18 Ianuarii 1928 ad I., qua nempe declaratum fuit acatholicos in causis matrimonialibus actoris partes agere non posse, spectet tantum Tribunal S. Romanae Rotae, an etiam Tribunalia dioecesana;

II. Utrum Promotor Iustitiae, vi canonis 1971, nulla praehabita facultate a S. Officio, matrimonium accusare possit si nullitas matrimonii fuerit denuntiata a coniuge acatholico.

Feria IV, die 15 Martii 1939

Eminentissimi ac Revmi PP. DD. Cardinales rebus fidei et morum tutandis praepositi, praehabito RR. DD. Consultorum Voto, respondendum decreverunt:

Ad I.: *Negative* ad primam partem; *Affirmative ad alteram*, seu: *spectare etiam Tribunalia dioecesana.*

Ad II: *Negative, nisi publicum bonum, Ordinarii iudicio, id postulet.*

Et Sabbato, die 18 eiusdem mensis et anni, Ssmus D. N. D. Pius Divina Providentia Papa XII, in audientia Excmo ac Revmo Domino Adsessori Sancti Officii impertita, relatam Sibi Emorum Patrum resolutionem adprobavit, confirmavit et publicari iussit.

Datum Romae, ex Aedibus S. Officii, die 22 Martii 1939.

R. PANTANETTI, *Supr. S. Congr. S. Officii Notarius.*

SACRA PAENITENTIARIA APOSTOLICA.

(Sectio de Indulgentiis.)

INDULGENTIAE APOSTOLICAE

QUAS SUMMUS PONTIFEX PIUS PP. XII, IN AUDIENTIA INFRA SCRIPTO CARDINALI PAENITENTIARIO MAIORI DIE II MARTII 1939 IMPERTITA, BENIGNE CONCESSIT CHRISTIFIDELIBUS, QUI ALIQUOD PIETATIS VEL RELIGIONIS OBIECTUM, A SE VEL A SACERDOTE POTESTATEM HABENTE BENEDICTUM, POSSIDENT AC PECULIARIBUS IMPERATIS CONDITIONIBUS SATISFECERINT.

Indulgentiae

1. Quisquis saltem semel in hebdomada recitare consueverit coronam Dominicam, vel aliquam, ex coronis beatae Mariae Virginis, vel rosarium aut saltem eius tertiam partem, vel officium parvum eiusdem B. Mariae Virginis, vel saltem vesperas aut nocturnum cum laudibus officii defunctorum, vel psalmos paenitentiales aut graduales, vel consueverit, saltem semel in hebdomada aliquod opus ex illis peragere quae sub appellatione " Operum misericordiae " agnoscuntur, vel Missae interesse, servatis conditionibus confessionis sacramentalis, sanctae Communionis et alicuius orationis ad mentem Summi Pontificis, lucrabitur *Indulgentiam plenariam* diebus Nativitatis Domini, Epiphaniae, Resurrectionis, Ascensionis, Pentecostes, Ssmae Trinitatis, Corporis Domini eiusdemque Sacratissimi Cordis, Purificationis, Annuntiationis, Assumptionis, Nativitatis et Immaculatae Conceptionis B. Mariae Virginis; Nativitatis S. Ioannis Baptistae; utriusque festi S. Ioseph B. Mariae Virginis; Ss. Apostolorum Petri et Pauli, Andreae, Iacobi, Ioannis, Thomae, Philippi et Iacobi, Bartholomaei, Matthaei, Simonis et Iudae, Matthiae atque Omnium Sanctorum.

Si quis vero ad sacramentalem confessionem ac ad sanctam Communionem minime accesserit, corde tamen contritus ad mentem Summi Pontificis aliquantisper precatus fuerit, singulis diebus supra recensitis *partialem septem annorum* lucrabitur *Indulgentiam.*

Insuper quisquis aliquod ex praedictis pietatis vel caritatis operibus expleverit, quoties id peregerit, *partialem trium annorum Indulgentiam* adipiscetur.

2. Sacerdotes, qui nullo legitimo impedimento detenti quotidie s. Missae sacrificium celebrare consueverint, *Indulgentiam plenariam* festis supra memoratis consequentur, additis sacramentali confessione et oratione ad mentem Summi Pontificis.

Quoties vero ipsi Sacrum litaverint, *partialem quinque annorum Indulgentiam* acquirent.

3. Qui recitationi divini officii tenetur, obligationi huic obtemperans, *plenariam Indulgentiam* iisdem recensitis festis lucrabitur, servatis pariter conditionibus confessionis sacramentalis, sacrae Communionis et orationis ad mentem Summi Pontificis.

Qui vero hoc peregerit saltem corde contrito, *partialem quinque annorum Indulgentiam* singulis civibus adipiscetur.

4. Quisquis cum primo diluculo, tum meridiano tempore, tum sub vesperam, vel cum primum postea potuerit, orationem vulgo *Angelus Domini,* tempore autem paschali *Regina caeli* aut, has preces ignorans, quinquies *Ave Maria* recitaverit; itemque sub primam noctis horam psalmum *De profundis* vel, si eum nesciat, *Pater Noster* cum *Ave Maria* et *Requiem* recitaverit, *partialem quingentorum dierum Indulgentiam* consequetur.

5. Eamdem Indulgentiam acquiret qui quavis feria sexta de Passione et Morte D. N. Iesu Christi aliquantulum pie cogitaverit, terque Orationem Dominicam et Salutationem Angelicam devote recitaverit.

6. Qui suam conscientiam excusserit et peccata sua sincere detestatus fuerit cum proposito se emendandi, devoteque recitaverit semel *Pater noster, Ave Maria* et *Gloria Patri* in honorem Ssmae Trinitatis, aut quinquies *Gloria Patri* in memoriam Quinque Vulnerum D. N. Iesu Christi, *trecentorum dierum Indulgentiam* lucrabitur.

7. Quisquis pro agonizantibus oraverit, pro iis *Pater noster* cum *Ave Maria* saltem semel recitando, *partialem centum dierum Indulgentiam* adipiscetur.

8. Qui demum, in mortis articulo constitutus, animam suam devote Deo commendaverit et, rite confessus ac sacra Synaxi refectus vel saltem contritus, Ssmum Iesu Nomen ore, si potuerit, sin minus corde, devote invocaverit et mortem de manu Domini, tamquam peccati stipendium, patienter susceperit, *plenariam Indulgentiam* consequetur.

Monita

1. Res aptae ad recipiendam benedictionem pro Indulgentiis Apostolicis lucrandis sunt tantummodo coronae, rosaria, cruces, crucifixi, parvae statuae, numismata, dummodo non sint ex stanno, plumbo, vitro conflato ac vacuo aliave simili materia, quae facile confringi vel consumi possit.

2. Imagines Sanctorum alios ne repraesentent quam rite canonizatos vel in probatis martyrologiis relatos.

3. Ut quis valeat Indulgentias Apostolicas lucrari, necesse est ut aliquam ex rebus benedictis ab Ipso Summo Pontifice vel a Sacerdote facultate praedito, super se deferat aut in domo sua decenter retineat.

4. Ex expressa Ssmi Domini Nostri declaratione, per Apostolicarum Indulgentiarum concessionem nullatenus derogatur Indulgentiis a Summis Pontificibus iam alias forte concessis pro precibus, piis exercitiis vel operibus recensitis.

Datum Romae, ex aedibus S. Paenitentiariae Ap., die 11 Martii 1939.

L. Card. Lauri, *Paenitentiarius Maior.*

L. * S.

S. Luzio, *Regens.*

Studies and Conferences

Questions, the discussion of which is for the information of the general reader of the Department of Studies and Conferences, are answered in the order in which they reach us. The Editor cannot engage to reply to inquiries by private letter.

THE LAY APPETITE FOR DOCTRINE.

Sometime ago there appeared in *Collier's Weekly* a very clever piece of advertising. It was the sort of announcement that ambushes a reader. He may be journeying down from the Jerusalem of page 3 to the Jericho of page 20 in eager pursuit of a story, when midway he falls among robbers. This time it was the Squibb account that highjacked his attention in the interest of their dental cream. It was a full page, showing the portrait of a very striking face: a man about forty; clean shaven; classic features; eyes alive with concentration and intelligence. He might have been a prosecuting attorney "crashing" the nation's headlines with his prodigious feats of conviction; or an eminent surgeon always sure of drawing a gallery of his peers when he operates; or a brilliant educator catapulted at thirty to be dean of the Yale law school; or a clairvoyant operator in Wall Street. It was a face that any banker might accept as collateral for financing a million dollar project. But, lo! a most incongruous feature appears; a sour note of stupidity mars this symphony of brilliant intellect, granite integrity and infallible judgment. The man is wearing a baby cap; the very same as worn by infants; with its long ribbons tied softly under his rugged chin. Your curiosity shrieks for satisfaction; and your gaze dropping to the foot of the page, you read this legend: "This man's knowledge of dental hygiene is that of a child." For all his brilliant intellect, expert knowledge and worldly wisdom, he didn't know the first thing about caring for his teeth. He was so unconscionably ignorant as never to have heard of the advertiser's product.

In this case, of course, the legend is sheer bathos. But substitute for that fabulous face a picture of the average Catholic layman. He may be learned in some profession or a keen busi-

ness man; but his knowledge of Catholic thought is truly that of a child. He is ignorant of its very elements. And saying so is not bathos but the sheerest pathos. He may talk fluently on a score of topics, but he is tongue-tied on the subject of the *unum necessarium*. He is a pushover for every glib agnostic or radical that comes along.

What's the reason for it? Lack of capacity? Lack of appetite? Or are the advanced chapters of Catholic doctrine so esoteric as to preclude wide dissemination? It is not written that Christ said: "Go, teach my Gospel to candidates for an S.T.L." He didn't exclude that, but neither did He specifically enjoin it. He did say something that smacks of our current phrase, "broadcasting over an international hookup". St. Paul didn't write for theologians, though theologians can profitably con forever his pages. In the mind of the Church the mass dissemination of doctrine is evidently feasible, for the Popes publish encyclical letters, not *récherché* dissertations or monographs for the expert. And the encyclicals manage to cover every phase of Catholic thought. Clearly, then, the doctrine itself is level with the common mind, and the problem is rather one of distribution. (Economists please keep out of the argument. You would only muddle it further.)

If anyone doubts that the lay mind can be familiarized with Catholic doctrine beyond the Pauline minimum for salvation, a few instances to the contrary should disabuse him. In Manhattan there are now two labor schools functioning, in which a sizeable roster devotes at least one evening a week to the intensive study and discussion of authoritative Catholic teaching on the labor problem, not to say the social question in general. Dr. Monaghan of Cathedral College is the moving spirit of one of them—the first in the field. The other holds forth in the basement of St. Paul's Church, 60th Street and Columbus Avenue, under the aegis of Father Cox and his Fordham associates. The existence of two such projects argues a desire among the laity to become literate in the Faith. How extensive the desire is anyone's guess; what reassures us is that it exists at all. Since I have not had the opportunity to observe either of these schools at close range, I cannot offer anything further about them.

But I have recently observed several very heartening displays of the lay appetite for doctrine. I was assigned to address a

meeting of the parent-teachers at a church in White Plains, New York. The hall was filled with men and women, all comfortably middle class. There wasn't a bingo card in evidence. Not daring to think such a crowd had come to hear an unknown priest discuss Catholic doctrine, I searched backstage for a lurking magnet in the way of prizes; but there wasn't an ottoman or bedspread to be found. A week later I appeared before the Sunday afternoon forum sponsored by an uptown Manhattan K. of C. council. About three hundred men and women were packed into a dingy loft. Again I looked for the lurking magnet, but found the bar was closed. For thirty minutes I discussed the Church's attitude on racism, even needling my talk with Maritain. No one got up and left. After the address a recess of twenty minutes was called, during which a quartette of vocalists held forth. In ten minutes I was handed a sheaf of twenty questions, all pertinent and pointed. When the last rallentando had melted away among the rafters like a snowflake, I again mounted the rostrum for an hour of questions and answers. If lay people are willing to spend three hours of their precious sabbath leisure in hearing Catholic doctrine expounded, it would seem there is an appetite for it which we have scarcely begun to recognize.

What chiefly prompted this paper was my discovery of the "Monday Evening Club," which meets nine times a year in the rectory of St. Philip Neri, Chicago. Here is the beau ideal of lay interest in Catholic thought. Talk about appetite for doctrine, here is a group of positive gourmands. About nine times a year, sixty to seventy men gather to hear an invited speaker discuss some phase of Catholic thought. They are given the freedom of the rectory meeting-rooms. "This feature alone," the leader told me, "has a strong attraction for laymen." The lure of the strange or mysterious, doubtless. The zest for exploration which sent Columbus sailing into the unknown and which nearly led Admiral Byrd to his death at the South Pole. The club has been a going concern since 16 March 1931. It began unostentatiously. A letter broaching the idea and summoning the receiver to an organization meeting was sent to forty men. Twenty-seven showed up. The attendance now hovers around sixty. The membership is rather ultra. About half the members possess an A.B.; twenty are lawyers or doctors.

Top hat members include the senior vice president and treasurer of Swift and Co. (rarely absent from a lecture), the Chicago manager of Standard Oil of Indiana, the vice president of Libby McNeil. The trades and industry are amply represented—evidently from the side of management; for there are only five union cards in the group.

Purposely a non-religious name was chosen: The Monday Evening Club. The leaders had shrewdly analyzed the reluctance of many laymen to join religious groups as arising from the fear of seeming holier-than-thou or hypocritical. There has never been a drive for membership. The forty-six lectures delivered thus far have run the full gamut of Catholic doctrine. The management is entirely lay, the use of the rectory meeting-rooms being merely a convenient and comfortable " accidens ". That is, there is no clerical moderator; but I notice Rev. before the name of every speaker that has appeared before the group.

At first, concern was voiced and rightly so, over the prospect of laymen discussing theological matters except under competent clerical supervision. But this concern was quickly disposed of by the uniformly high calibre of the speakers invited. Over two-thirds of the lectures have been given by members of the Quigley and St. Mary's of the Lake Seminary faculties. There are only two subjects which the group have failed to have discussed before them: mysticism and censures. I understand how the former is not viable as a popular lecture topic, and I suppose most canonists would say the same of the latter. The men are apparently determined to leave no stone unturned. They are quite catholic in their choice of speakers. The list so far includes Franciscans, Dominicans, Jesuits, Carmelites, Vincentians, Society of the Divine Word and Paulists. Monsignor Sheen has addressed them twice. The speaker invited is free to choose his topic; it is merely expected of him that his treatment will be above the commonplace. No " dabitur vobis " improvisations on a given theme; no beating a dull tattoo on the obvious; no windjamming.

In the list of lectures given to date, dogma, moral, canon law, history and liturgy are all represented. Considering the lay character of the audience, a number of the titles are rather intriguing: " The Matrimonial Court " by an assistant chancellor of the archdiocese; " The Eastern Schism " by Father Mullaly,

C.S.P.; " The Spirit of Catholic Action "; a lecture on " The Secret Archives of the Vatican ". Father Connelly of St. Mary's of the Lake lectured on the Hypostatic Union. A meaty topic was " Fine Arts Fostered by the Church ". There have been addresses on " Christian Perfection " and " An Introduction to Ascetical Theology ". Another on " The Ethics of Strikes ". Here's a title to fetch a plenary attendance: " When Satan Came to the Choir Loft ". Curiosity must have been rife whether the speaker would pillory the vox humana, the coloratura soloist or the co-ed choir in general. Or was it Rosewig's Mass? Some saturnine liturgists would have had the title read: " When Satan and All His Legions Came to the Choir Loft."

So much for " The Monday Evening Club ". Glancing back over the titles, I believe I would hesitate to post some of them on a seminary bulletin board, advertising an ad-lib lecture, for fear some of the students would choose to remain away and beguile the evening in more otiose fashion. But, then, some of us—whether student or ordained—have no stomach for " the serious stuff ". We would regard as a queer sort a confrère who lingered by the sacristy door to observe how the preacher wrestled with an idea, especially if he were missing " Gang Busters " or the " Adams Hat Sports Parade ". We must hand it to the laity. Convince them that the subject and the speaker are going to be worthwhile and they will flock to attend. People still journey out to the wilderness to wait upon the man who has built a better mousetrap. Other things being equal, real distinction seldom goes begging for an audience. We shouldn't belabor our good people for their very human apathy toward the commonplace.

Catholic doctrine has still its great charm for people when ably presented. The character, history, government and teaching of the Church, the life and virtues of Christ and His Saints—be these the subject of your preaching, steep the unbleached doctrine in the dye pot of your own thought, feeling and imagination, scorn not the graces of diction and delivery to which the radio has accustomed people, and you are bound to captivate the interest and swell the size of your audience. It takes diligent craftsmanship of course—reading, a spot of thought and the discipline of the pen or typewriter. But the results should afford

you the satisfaction of a job well done, if not the more chivalrous satisfaction of having broken the bread of doctrine for hungry souls.

THOMAS A. FOX, C.S.P.

New York City.

THE LEAGUE OF SACERDOTAL SANCTITY.

Cor Jesu Sacerdotale, accende omnium Sacerdotum corda.

In the Fall of 1900 some fifty priests had gathered for their Monthly Recollection at St. Acheul near Amiens. At that time in order to carry out their hostile program against the Church, the French Government was endeavoring to bring about a division between the regular and secular clergy so as to crush them separately. Enlightened on the danger by Fr. Aloysius Feyerstein, the Jesuit Father who was directing the spiritual exercises, these priests realized the present urgent need of closer union in prayers and apostolate. There and then they formed the League of Sacerdotal Sanctity, a fraternal association of priests, secular and regular of any order or congregation, placing in common their prayers, actions and sufferings, which they daily offer through the hands of the Blessed Virgin to the Sacred Heart of Jesus for their own sanctification, the sanctification of all the clergy and in reparation for their offences.

The appealing and timely purposes of the association won immediate response from the clergy. Bishops also and archbishops were soon enrolled. Cardinal Perraud looked upon it as " a means of sanctification especially adapted to the need of the hour ". Pius X expressed the wish to become a member and was enrolled under No. 621. On this occasion, moreover, the Sovereign Pontiff wrote a letter of approval and granted the work signal privileges. Later on, Benedict XV joined the League and more recently the late Pope Pius XI gave his name to be inscribed, accompanying his wish with an encouraging and beautiful letter.

In 1910 the associates of the League, registered at the General Secretariat at Amiens, numbered 2137; in 1911, 3200; in 1926, 9789 and at the end of November 1938, 15,929. These figures are exclusive of the lists that have not yet been received at the

central office at Amiens from the forty regional directors scattered in almost all the countries of the world.

The first bulletin appeared in September 1904. It is a quarterly published at Amiens, France, and in French and Latin gives items of current news concerning the League, with articles stimulating more intense interior life of the associates to keep them mindful of the aims and ideals of the League. It likewise publishes the list of the dead to recommend them to the suffrages of the associates. In 1926 the Italian section of the League began to issue its own bulletin in Rome. In 1931 *Homo Dei* appeared as the Polish bulletin and in March 1938 *Alter Christus*, published in English, became the official organ of the League in the United States.

Such, briefly, is the story of the League. Now, what is its characteristic object? The *object* is threefold: (1) the personal sanctification of its members; (2) the sanctification of the clergy of the whole world; (3) the reparation of our own offences against the Sacred Heart of Jesus.

1. The minimum *sanctity* required of all the members is the initial sanctity of the state of grace, which they may not lose without excluding themselves from the League as long as they continue in the state of mortal sin. But if the priest must needs be " the salt of the earth and the light of the world," the associates must, therefore, resolutely tend to an ever-growing sanctity by the practice of sacerdotal virtues.

2. The *sanctification of the Catholic clergy* is the second object of the League. From the very nature of his calling, every priest should be a devout apostle and should exercise his apostolate over the souls that are personally confided to him; but, why not extend it to a field of action still more vast, more fruitful and especially dear to Jesus and Mary? His charity moves him to go to the aid of all his brother priests, struggling everywhere in the midst of difficulties and opposition. " We do not pray enough for the priests," is often repeated after the Curé d'Ars; and the priests are so much in need of prayers.

The League calls upon its members to unite their daily prayers, actions and sufferings, and to offer all this immense treasure of merits through the hands of the Blessed Virgin, the Protector, Mother and Queen of the Clergy, to the Sacred Heart of Jesus,

the Eternal Priest, as a ceaseless supplication for the sanctification of the 400,000 priests of the whole world.

3. *Reparation* is the third object of the League. It is the Sacred Heart Himself who makes appeal for reparation, particularly for the outrages shown Him in the Holy Eucharist. In his touching Encyclical *Miserentissimus Redemptor* the late Pope Pius XI has this remarkable passage: "On the occasion when Jesus revealed Himself to St. Margaret Mary, though He insisted upon the immensity of His love, at the same time with sorrowful mien He grieved over the great number of horrible outrages heaped upon Him by the ingratitude of mankind. Then He used those words which should be engraved on the hearts of all devoted men so as never to be forgotten by them: 'Behold the Heart which has loved men so much, which has lavished upon them so many benefits. In exchange for this infinite love It finds no gratitude; instead It finds forgetfulness, indifference, outrages and all this from *souls closely bound to It in the bonds of a very special love.*'"

It is evident that the Holy Father is referring to, we might say repeating, the very words used by the Sacred Heart Himself in addressing St. Margaret Mary at the time of the great apparition during the octave of Corpus Christi, 1675. Note, furthermore, how the Holy Father stresses especially the ingratitude of persons consecrated to Him. Indeed he seems to imply that the Sacred Heart was requiring a distinct and special reparation for those offences which wound Him most. This wish of our Lord becomes still more apparent when we find the plaint repeated ten times in the writings of St. Margaret Mary and often also in the writings of other clients of the Sacred Heart. How strongly, then, should the third object of the League appeal to its members!

The *conditions* which the League imposes upon its members are simple and easy:

1. To live in the state of grace. Were one to fall into grievous sin, he would recover membership with the return of grace by offering a Mass, at least second intention, for the League and by renewing his act of consecration.

2. To offer up every morning the daily prayers, actions and sufferings in union with the members of the League and for its intentions. It is worthy of note that in thus offering every

morning our prayers we are actually including the prayer *par excellence,* the holy sacrifice of the Mass whose value is infinite. We are, therefore, putting to daily use the most powerful means to attain the three purposes of the League, including reparation. Fidelity to the morning offering is, then, highly important.

3. A priest is to be enrolled by a duly authorized director and offer Mass on the day of admission and one more during the course of the year on any day he chooses: moreover, a second intention may suffice for this annual Mass.

This is certainly a minimum of requirements.

Grand, then, in its object, beautiful in its simplicity, the League is incomparably rich in its benefits.

It yields to its members the most precious *advantages:*

1. It is a powerful incentive. The close union it establishes among thousands of priests, fervent promoters and great friends of the Sacred Heart and of His Blessed Mother must needs prove to them a strong incentive to sanctity. *Noblesse oblige.* Indeed can it be possible for a priest seriously to make the daily morning offering of all his actions in union with his brother priests, through the hands of Mary Immaculate, to the Sacred Heart of Jesus, without being reminded of his bounden duty to show himself worthy of such distinguished associates, of hearts so upright and burning with zeal to please God?

2. Besides being a powerful incentive to sanctity, the League affords a most efficient aid in life and death. This union with thousands of priests communicates to our prayers and labors a tenfold, a hundredfold value, an extraordinary impetratory and satisfactory virtue and superabounding graces. We have the explicit promise of our Lord Himself: " Where there are two or three gathered in my name, there am I in the midst of them," (Matt. 18: 20); and: " Again I say to you, that if two of you shall consent upon earth, concerning anything whatsoever they shall ask, it shall be done to them by my Father, who is in heaven " (*Ibid.* 18:19). With full confidence, we can count on the power of the intercession of our brother priests; for they are the saints on earth whose petitions are always answered by God. Thus was St. Francis Xavier wont to ascribe to the prayers of his brethren in religion the countless conversions which through his ministry God was pleased to work in India and Japan. At times priests complain of feeling alone, unassisted

and crushed under the weight of a thankless ministry. By uniting themselves, in the League all priests will have their strength wonderfully renewed.

The League, furthermore, offers special assistance to the deceased members. They share in the daily prayers and mementos of the associates; they are moreover recommended in the quarterly *Bulletin*. Lest any one be forgotten, however, it would be well to write on the Diploma of Admission: " After my death, please forward this Diploma to the League Director at . . ."

3. The third advantage is the immense apostolic scope of the League. The field it opens up to the members is truly grand and sublime. To assist in the sanctification of a single priest is alone a work of the highest importance, for the very reason that it reaches a great number of souls who live in contact with him. But the League embraces a legion of priests scattered over the whole world, and leads them to a high degree of sanctity. And since these priests have dealings with other priests over whom they naturally exert a wholesome influence, its apostolate is extended thereby to the entire world. The standard of fervor and sanctity is thus raised throughout the Church.

It is not surprising, then, that in August, 1908, on the occasion of his sacerdotal Jubilee, Pope Pius X, in his exhortation *Haerent Animo* addressed to the clergy of the whole world, warmly recommended the Pious Union whose benefits he had experienced, and which with similar associations he fostered during his episcopacy, because, said he, it is in them that from the very beginning of his ministry the priest will find the most powerful help. Benedict XV, in turn, when giving his name to be inscribed in the League, expressed the wish to see it spread throughout the world and grow in number and fervor. He deigned soon after to publish a brief in its favor, whose fruits were to be lasting, *ad perpetuam memoriam*. The late Pontiff has likewise encouraged the League by having his name enrolled and addressing to it a letter of commendation.

It was to unite themselves more closely in prayer and apostleship in order to present a solid front to the enemy of the hour, that the fifty priests who had gathered at Amiens founded the League of Sacerdotal Sanctity. Its inspiring purposes and signal advantages with its special favors and privileges will unite and strengthen the clergy in the tremendous struggle confronting

them and the Church to-day. Listen to the thrilling words recently spoken by the late Pius XI to Cardinal Verdier, Archbishop of Paris: " I thank God for letting me live in the present circumstances, in the midst of a crisis so universal, so deep and unique in the history of the Church. Any one should be proud of being a witness of, and to a certain extent, an actor in this sublime drama, in which evil and good have come to grips in a gigantic duel. At the present hour no one has a right to take refuge in mediocrity, and I am certain that this formidable upheaval will see the Church emerging more resplendent and better adapted to modern needs."

Who will be called upon " to be actors in coming to grips with the foe in this gigantic duel "? Who may not " take refuge in mediocrity "?—In other words, who will be called upon to be leaders of the people in this *formidable upheaval,* if not the priests? They are the " salt of the earth and the light of the world." It is highly important, then, that the priests should be united, that the priests be holy. " The sanctification of the clergy ", said Pius X, " is a work of supreme importance; for, as the priests are, so shall be the people." [1] This truth we find echoed in the striking words of the late Pontiff, Pius XI: " Let the priests be holy and the people will be saints."

In addition to the advantages enumerated above, the Associates are entitled to the following favors and privileges granted by the Holy See:

GRATIAE ET PRIVILEGIA SINGULIS SOCIIS FOEDERIS SANCTITATIS SACERDOTALIS A SANCTA SEDE CONCESSA.

IN PERPETUUM

1. *Quoad Missam*

Privilegium legendi privatim, prima feria sexta mensis, (exceptis festis de Domino,—Dupl. 1 Cl., — Vig., Oct., ex privilegiatis) missam votivam SS. Cordis Jesu, ad modum missae a Leone XIII concessae Brevi ALTERO NUNC, adhibita missa Ecclesiae Universalis: *Cogitationes.*

Diebus impeditis vel in feriis maj. docent varia kalendaria quid faciendum sit.

[1] Alloc., Centenary of Saint Gregory.

2. *Indulgentiae defunctis applicabiles*

A. Plenariae

Conditionibus ordinariis: (Conf., Comm., Visit., Prec.)

1. Die ingressus in Foedus Sanctitatis Sacerdotalis;
2. Quotiescumque socii Sanctum Sacrificium primario ad intentionem Foederis offerunt;
3. Semel in mense (die ad libitum), si quis actum oblationis quotidie recitaverit, nempe: Domine Jesu Christi . . .;
4. Semel, pariter, in mense (die ad libitum) si quis actum consecrationis proprium foederatorum quotidie recitaverit, nempe: Dulcissime Jesu, Pater . . .;
5. Die festo { Sacratissimi Cordis Jesu, / Purissimi Cordis B. Mariae Virginis, / Solemnitatis S. Joseph;
6. Diebus quibus coluntur sequentes sancti:

a) Petrus et Paulus Apostoli,	Jun. 29
Joannes Apost. & Evangelista,	Dec. 27
Franciscus Salesius,	Jan. 29
Alphonsus-Maria de Ligorio,	Aug. 2
Ignatius de Loyola,	Jul. 31
Franciscus Xaverius,	Dec. 3
Philippus Nerius,	Maj. 26
Joannes-Maria Vianney,	Aug. 9
Margarita-Maria Alacoque	Oct. 17
(Benedictus XV, 16 Dec. 1920)	
b) Thaddaeus, Disc. Christi, Caldeorum Apostolus,	Aug. 20
Stanislaus, Episc. et Martyr in Polonia,	Maj. 7
Josaphat, Episc. Polocensis et Martyr,	Nov. 14
Gregorius Illuminator, Episc. Armenorum, Patriarcha et Patronus,	Oct. 1
Cyrillus Alexandrinus, Episc. et Doctor: Orient. Eccl. lumen,	Feb. 9
Ephrem Syrus, Diac. et Doctor,	Jun. 18
Macarius, Abbas, Coptarum Patronus	Jan. 15
Maro, Maronitarum Gentis Auctor et Patronus,	Feb. 14
(Pius XI, 5 Nov., 1924)	

B. Partiales

1. 300 dierum, semel in die, pro recitatione actus oblationis, nempe: Domine Jesu Christe . . .;
2. 300 dierum, semel in die, pro recitatione actus consecrationis, nempe: Dulcissime Jesu, Pater. . . .

(Benedictus XV, 16 Dec. 1920)

PRO TEMPORE

Quoad Breviarium

Privilegium anticipandi Matutinum et Laudes hora prima pomeridiana. (Sacra Cong. Concilii: die 13 Junii 1936: ad novum triennium).

Application blanks for enrollment may be obtained from the nearest of the following directors:

The Rev. Edward L. Murphy, S.J., Weston College, Weston, Mass.
The Rev. F. X. McMenamy, S.J., St. Stanislaus, 5629 State Road, Cleveland, Ohio.
The Rev. E. J. Bernard, S.J., St. Charles College, Grand Coteau, La.
The Rev. Instructor, Manresa Hall, Port Townsend, Washington.

EDGAR J. BERNARD, S.J.

St. Charles College, Grand Coteau, La.

RUTHENIAN ORDINATIONS IN ROME.

On Palm Sunday thirteen young men were ordained to the priesthood in Rome's Pontifical Ruthenian College.

Msgr. Dionysius Njaradi, Ruthenian Bishop of Krizevci in Jugoslavia, was the ordaining prelate, carrying out the beautiful ceremonies of the Oriental liturgy with exquisite dignity and devotion. He just reached Rome in time for the event, having been held prisoner by the Hungarians in Podcarpathian Ukraine, where he had been Apostolic Visitor during the short period of independence.

Clad in their ornamented albs (sticharia), colored girdles, and diaconal stoles, the thirteen candidates stood in a semi-circle about the sanctuary, facing out toward the congregation. Two of them acted as deacons of the Mass, and two Basilian Fathers of the college administration, clad in full priestly vestments, stood at the altar as assistants to the bishop and concelebrants of the Mass.

Solemnly the gorgeous ceremonies of the Slav-Byzantine liturgy started. Due to the large number of students being ordained, serving, etc. the regular choir was practically dissolved. As a substitute, the whole community sang the Mass—ordinands, servers, students—harmonizing the poignantly beautiful melodies of the chants in the traditional Ukrainian style. As a result, what was lacking in musical perfection was more than made up by the liturgical ideal achieved through the active participation of the whole community in the liturgy.

The three antiphons were sung with their familiar refrains and prayers: "O Saviour, through the prayers of the Mother of God, save us!"—"Help, save, guard, and have mercy on us, O God, by Thy grace." The Little Entrance or procession with the Gospel Book was solemnly made; the Trisagion was sung in Slavonic and Greek; the bishop and ministers marched about the altar incensing it. The Epistle, the Alleluia's, the Gospel were sung; the Litany of the Catechumens and their ritual dismissal took place; the Great Entrance with the Holy Gifts (the procession to the altar with the prepared bread and wine for the sacrifice) was performed while the community sang the lyric hymn of the Cherubim; and then the rites of the ordination proper began.

One after the other, each of the thirteen candidates approached the bishop seated before the altar, and kissed the epigonation,[1] his hand, and his shoulders, receiving the embrace of peace. Then he walked around the altar,[2] kissing each of its four corners. This dramatic ceremony represents the new priests's union with and submission to the bishop, as well as his consecration to the service of the altar for the rest of his life. This whole ceremony was repeated three times by each candidate.

Then all knelt in a row before the altar and chanted together their profession of the Catholic faith, with an explicit formula of adherence to the Bishop of Rome.

The oldest of the candidates now approached the altar, bowed low making the sign of the cross,[3] and knelt before the altar

[1] A diamond-shaped ornament hanging from the bishop's cincture on his right side; historically developed from the sheath worn by nobles who carried a sword. It now indicates the power of jurisdiction.

[2] The altar in Byzantine churches is a square table placed in the center of the sanctuary, free from the wall to permit free passage around it.

[3] This low bow or salaam accompanied by the sign of the cross is the Byzantine equivalent of our genuflexion.

putting his hands upon it; then he bowed his head upon his hands. The bishop stood at his left, placed the omophorion [4] upon the head of the kneeling deacon, and then imposed his hands upon the omophorion. The archpriest of the service sang out " Von'mim! " (Let us attend!) Turned halfway toward the congregation, the bishop then sang a ritual invitation to all present to join in prayer to God that the grace of the priesthood be given to this Deacon N.N. The whole community sang in response " Hospody pomiluj " (Lord have mercy). Making the sign of the cross three times with his right hand on the kneeling deacon's head, the bishop then sang the formula of ordination, keeping both hands firmly clasped upon the head of the candidate. A beautifully harmonized, hearty " Amin ' " greeted the end of the prayer. Still keeping his hands upon the new priest's head, the bishop sang a prayer begging God to pour forth upon the young Levite the fullness of the gifts of the Holy Ghost, so that he might be found worthy to stand without blame before His holy altar, to offer the Holy Sacrifice, to preach the gospel of His kingdom, to dispense God's word in truth. . . . Another soulful " Amin ' " from the community choir, as the new priest kissed the bishop's hand, rose, and bowed himself away, while the next candidate came forward for the imposition. These same ceremonies were repeated fully for each of the thirteen young deacons; neither prelate nor assistants ever seemed to tire from the strain of all the singing and solemnity.

If there was anyone of those dogmaticians present who enjoy disputing about questions of sacramental matter and form and the joining of them, he was left without much matter for argument at that Ruthenian ordination. There could be no doubt about the matter: the imposition of hands lasted several minutes for each candidate! There could be no doubt about the form to anybody understanding a bit of the ritual Slavonic. There could be no doubt about the joining of matter and form, because the prayers were sung while the ordaining prelate kept his hands clasped upon the head of the kneeling candidate.

After the imposition of hands, which is the essential ceremony of the ordination rites, was completed, the ceremonies of the vesting of the new priests took place. One after the other they

[4] The large outer stole worn by the bishop. It is something like the pallium of our Roman archbishops, only much wider and of full length in front and in back.

approached the bishop, seated now on a chair before the altar. Removing each one's diaconal stole, the bishop extended the priestly stole to be kissed and then put it around the neck of the kneeling priest, singing: " Receive the yoke of the Lord: for His yoke is sweet and His burden light: Axios! " And the singers came in exultingly with a great chorus of " Axios, Axios, Axios!"—[He is] worthy, worthy, worthy!

With similar ritual the new priest received the cuffs and the phelonion,[5] bishop and choir singing Axios each time. Then taking from the altar the paten containing the hosts for the Mass and the large chalice of the wine, the bishop extended them to the new priest to touch and kiss; the Missal too was delivered into his hands, the bishop singing appropriate formulae with each action. After these ceremonies had been repeated for each of the thirteen new priests, the Mass liturgy was continued, all the new priests standing about the square altar and reading the prayers that the bishop, as chief celebrant, sang.

The time of the Sanctus came. All sixteen celebrants—the bishop, his two assistant priests, and the thirteen newly ordained —stretched out their arms in prayer. The moment of Consecration arrived: bowing slightly toward the paten, all sixteen celebrants sang the sacred text together: " Take ye and eat, this is my Body, which is broken for you unto the remission of sins." The kneeling congregation bowed low and sang " Amin'! " Then followed the solemn consecration of the chalice, the celebrants singing: " Drink ye all of this, this is my Blood of the New Testament, which is shed for you and for many, unto the remission of sins."—" Amin '! "

Majestically the service continued to the Communion; the bishop gave a particle of the consecrated bread into the hand of each of the newly ordained. When each had a particle, all bent over the altar together and each priest communicated himself. Then the bishop drank from the chalice of the consecrated wine; again each of the priests came around to the middle of the altar and reverently drank of the Precious Blood. The bishop then put the remaining particles into the chalice, and turning, blessed the congregation with the sacred species.

The prayers of thanksgiving were sung. The bishop was escorted to the throne where he removed his vestments and put

[5] The Byzantine chasuble, shaped somewhat like a cope.

on his long purple choir-cloak. He was ceremonially escorted to the door of the chapel by the new priests, still clad in their priestly vestments. Then they returned to the front of the chapel, and standing before the eikonóstasis,[6] they gave their first blessings to their clerical friends of many rites in the congregation, who pressed forward eagerly to receive them.

The congregation present in the chapel of the Ruthenian College that morning was such as only Rome can provide. Every person there was either a priest or a student—of varying rite, color, habit, language. As an example, in the second bench at the Gospel side the four occupants were: A Ruthenian secular priest reciting his Slavonic hours; a rosaried Redemptorist glancing occasionally at his Latin breviary; a black, curly-bearded Abyssinian priest reading an Ethiopic psalter; and a young bearded Greek student who filled in with bass harmonies on the exultant acclamations of "Axios, Axios, Axios!" But as Catholics, were united in Jesus Christ and in His Vicar, the Bishop of Rome, to whom all owed whole-hearted allegiance.

It should be of special interest to American readers to know that two of the thirteen young men being ordained were Americans. There are two Ruthenian Catholic dioceses in the United States: one for the Ukrainians of Galicia, with its bishop at Philadelphia; the other for the Podcarpathian Ukrainians with its bishop at Homestead, Pa. Certainly these good bishops must look forward with the greatest joy to each ordination at the Ruthenian College in Rome where their students are studying—for they have comparatively few priests, some pastors having to attend to as many as three different parishes. However the young priests returning home from Rome will be a great consolation to their bishops in the future. They have received the best of seminary training—attending classes at the great Propaganda College in the neighborhood, and following the same Latin courses of Philosophy, Theology, Church History, Canon Law, Sacred Scripture as their brethren of the Roman Rite, besides learning their own Oriental liturgy and their liturgical and vernacular languages.

[6] The large picture-screen pierced by three doors, which stands in the place of our communion-rail, separating the sanctuary from the body of the church.

But it will take some years before the American Oriental dioceses are properly staffed with capable, zealous priests. Hence it would be a noble thought for all American Catholics, at the time of the Ember seasons, when we pray earnestly to God to send us good priests, to pray especially too that Divine Providence may provide soon for the great needs of our two American Ruthenian Catholic dioceses.

CLEMENT C. ENGLERT, C.SS.R.

Rome, Italy.

THE NATIONAL CATHOLIC SOCIAL ACTION CONGRESS.

Cleveland, 12-14 June, 1939.

L'Osservatore Romano, Vatican City paper, recently complimented the Bishops of America on the occasion of the twentieth anniversary of the American Bishops' Program of Social Reconstruction. Every American is grateful to the pioneering Bishops who launched the social action program twenty years ago, and to every person, ecclesiastical and lay, who has in any way continued to support the program set forth at that time.

A survey of the good that has been achieved in these twenty years and a planned continuation and expansion of the program for the future are in order. This is the purpose of the National Catholic Social Action Congress to be held in Cleveland, 12-14 June. The idea of a nation-wide congress is most fitting after twenty years of progress, and Cleveland is proper as the scene of the congress inasmuch as the Most Reverend Archbishop-Bishop Joseph Schrembs of Cleveland is the last surviving signer of the now famous pioneering document of Social Action.

The Congress will convene on Monday, 12 June, with solemn Pontifical Mass at 10:00 o'clock. After the general meeting that afternoon, forum meetings and sectional meetings will be called in the various rooms of the auditorium. Outstanding ecclesiastical and lay speakers in the science will appear at the various meetings. Employer and employee will present their respective problems. Informal discussion will be encouraged and every attempt will be made to bring forth equitable solutions.

Why doesn't the Church settle these things? This question is heard from all corners and from non-Catholics as well as from Catholics. They all recognize the divine mission of the

Church, and whether it happens to be a labor problem, an international diplomatic problem, a moral problem, or a money problem, the same demand is made.

As if in answer to this question the great Pope Leo XIII wrote as follows: " We need only recall for one moment the examples written down in history. Of these things there cannot be a shadow of doubt; for instance, that civil society was renovated in every part by the teachings of Christianity; that in the strength of that renewal the human race was lifted up to better things—nay, that it was brought back from death to life, and to so excellent a life that nothing more perfect had been known before or will come to pass in the ages that are yet to be. Of this beneficent transformation, Jesus Christ was at once the first cause and the final purpose; as from Him all came, so to Him all was to be referred." [1]

And Pope Pius XI answered: " In the first place, Leo himself clearly stated what could be expected from the Church. 'The Church insists, on the authority of the Gospel, upon those teachings whereby the conflict can be brought to an end, or rendered, at least, far less bitter. The Church uses her efforts not only to enlighten the mind, but to direct by her precepts the life and conduct of each and all. The Church improves and betters the condition of the workingman by means of numerous organizations.' " [2]

And again: " Indeed the Church believes that it would be wrong for her to interfere without just cause in such secular concerns; but she never can relinquish her God-given task of interposing her authority, not indeed in technical matters, for which she has neither the equipment nor the mission, but in all those that have a bearing on moral conduct. For the deposit of truth entrusted to Us by God, and Our weighty office of propagating, interpreting and urging in season and out of season the entire moral law, demand that both social and economic questions be brought within Our supreme jurisdiction, in so far as they refer to moral issues." [3]

Pope Pius XI could speak in no stronger terms when he praises the *Rerum Novarum:* " That the good seed sown with a lavish

[1] *Rerum Novarum,* par. 20.

[2] *Quadragesimo Anno,* No. 1, par. 2.

[3] *Quadragesimo Anno,* No. 2, par. 1.

hand forty years ago fell in part on good ground is shown by the rich harvest which by God's favor the Church of Christ and the whole human race have reaped unto salvation. It would not be rash to say that during the long years of its usefulness Leo's Encyclical has proved itself the Magna Charta on which all Christian activities in social matters are ultimately based." [4]

The following excerpt shows the serious need of social action. Note the similarity between this and St. Thomas's psychological argument for the need of revelation: " For most men are affected almost exclusively by temporal upheavals, disasters and ruins. Yet if we view things with Christian eyes, and we should, what are they all in comparison with the ruin of souls? Nevertheless, it may be said with all truth that nowadays the conditions of social and economic life are such that vast multitudes of men can only with great difficulty pay attention to the one thing necessary, their eternal salvation." [5]

Pope Pius XI did not intend to convey the impression that nothing at all was done before the time of the *Rerum Novarum*, and he says " . . . after the Apostolic voice had sounded from the Chair of Peter throughout the world, the leaders of the nations became at last more fully conscious of their obligations, and set to work seriously to promote a broader social policy. In fact, the Encyclical *Rerum Novarum* completely overthrew those tottering tenets of Liberalism which had long hampered effective interference by the government. It prevailed upon the people themselves to develop their social policy more intensely and on truer lines, and encouraged the élite among Catholics to give such efficacious help and assistance to rulers of the state that in legislative assemblies they were not infrequently the foremost advocates of the new policy. Furthermore, not a few recent laws dealing with social questions were originally proposed to the suffrages of the people's representatives by ecclesiastics thoroughly imbued with Leo's teaching, who afterward with watchful care promoted and fostered their execution. As a result of these steady and tireless efforts there has arisen a new branch of jurisprudence unknown to earlier times, whose aim is the energetic defence of those sacred rights of the workingman

[4] *Ibid.*, No. 1, par. 24.
[5] *Ibid.*, No. 3, par. 32.

which proceed from his dignity as a man and as a Christian. These laws concern the soul, the health, the strength, the housing, workshops, wages, dangerous employments—in a word, all that concerns the wage-earners, with particular regard to women and children. Even though these regulations do not agree always and in every detail with the recommendations of Pope Leo, it is none the less certain that much which they contain is strongly suggestive of *Rerum Novarum,* to which in large measure must be attributed the improved condition of the workingmen." [6]

Pope Pius had already observed: " In answer to the appeal of the Pontiff, works of beneficence and charity began to multiply under the direction of the Church. And frequently under the guidance of her priests there sprang up further an ever increasing number of new institutions, by which workingmen, craftsmen, husbandmen, wage-earners of every class could give and receive mutual assistance and support." [7]

When Pope Leo wrote his *Rerum Novarum* there was no nation that had a Christian Democratic Social Action government. The industrial upheaval was breeding violent forms of socialism for the " uplift of the proletariat " and no government was capable of coping with the new problems. We need not review here the violent forms of socialism because our readers know that the " uplift of the proletariat " meant in reality the " economic uplift of murderers and robbers " and the " downfall of the proletariat ". On the other hand, the principles embodied in the *Rerum Novarum* and the *Quadragesimo Anno* became the temporal, and approaching the eternal, salvation of the citizens of many nations.

The following passages from the encyclicals have a very close counterpart in the constitutions of Ireland and Portugal and in the legislation of New Spain: " In choosing a state of life, it is indisputable that all are at full liberty either to follow the counsel of Jesus Christ as to virginity, or to enter into the bonds of marriage. No human law can abolish the natural and primitive rights of marriage, or in any way limit the chief and principal purpose of marriage, ordained by God's authority from the

[6] *Quadragesimo Anno,* No. 1, paragraphs 10, 11, 12.
[7] *Ibid.,* No. 1, par. 9.

beginning. 'Increase and multiply.'[8] Thus we have the family; the 'society' of a man's own household; a society limited indeed in numbers, but a true 'society,' prior to every kind of State or nation, with rights and duties of its own, totally independent of the commonwealth."[9]

And this passage: "The family therefore holds directly from the Creator the mission and hence the right to educate the offspring, a right inalienable because inseparably joined to the strict obligation, a right anterior to any right whatever of civil society and of the State, and therefore inviolable on the part of any power on earth." And the encyclical goes on to give St. Thomas's proof of this truth.[10]

There is a third quotation: "In the first place, the wage paid to the workingman must be sufficient for the support of himself and of his family.[11] It is right indeed that the rest of the family contribute according to their power toward the common maintenance. . . . But it is wrong to abuse the tender years of children or the weakness of woman. Mothers will above all devote their work to the home and the things connected with it. Intolerable, and to be opposed with all our strength, is the abuse whereby mothers of families, because of the insufficiency of the father's salary, are forced to engage in gainful occupations outside the home to the neglect of their own proper cares and duties, particularly the education of their children. Every effort must therefore be made that fathers of families receive a wage sufficient to meet adequately ordinary domestic needs. . . . We might utter a word of praise for various systems devised and attempted in practice, by which increased wages are paid in view of increased family burdens, and a special provision is made for special needs."[12]

With the foregoing quotations from the encyclicals match the following:

THE IRISH CONSTITUTION—"The State recognizes the family as the natural primary and fundamental unit group of society, and as a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law."[13]

[8] Deut. 5:21.
[9] *Rerum Novarum*, par. 9.
[10] *Christian Education of Youth.*
[11] *Casti Connubii*, No. 2, par. 28.
[12] *Quadragesimo Anno*, No. 2, par. 30.
[13] *Irish Constitution*, Article 41, Sec. 1, § 1.

"In particular, the State recognizes that by her life within the home, woman gives to the State a support without which the common good cannot be achieved." [14]

"The State shall, therefore, endeavor to ensure that mothers shall not be obliged by economic necessity to engage in labor to the neglect of their duties in the home." [15]

"The State shall endeavor to ensure that the strength and health of workers, men and women, and the tender age of children shall not be abused and that citizens shall not be forced by economic necessity to enter avocations unsuited to their sex, age or strength." [16]

THE PORTUGUESE CONSTITUTION—"The State shall ensure the constitution and protection of the family as the source of the maintenance and development of the race, the primary basis of education, discipline and social harmony, and, by its association and representation in the parish and the town, the foundation of all political and administrative order." [17]

"With the object of protecting the family it appertains to the State and local bodies:

(1) to encourage the establishment of separate homes under healthy conditions, and the institution of the family household;

(2) to protect maternity;

(3) to adjust taxation in accordance with legitimate family obligations and to promote the adoption of the family wage;

(4) to assist parents in the discharge of their duty of instructing and educating their children." [18]

LEGISLATION IN NEW SPAIN—From the very start of the war General Franco busied himself with the social welfare of his people, and before the war was won he had a very definite social action program. Note this legislation: "The (family allowance) law gives assistance, in proportion to the number of children under fourteen years of age, to all workers in Nationalist Spain, be they workers or employees, and whatever be their salary or wage." [19]

[14] *Ibid.* Art. 41, Sec. 2, § 1.

[15] *Ibid.*, Art. 41, Sec. 2, § 2.

[16] *Ibid.*, Art. 45, Sec. 4, § 2.

[17] *Constitution of Portugal,* Part 1, Sec. 111, § 12.

[18] *Constitution of Portugal,* Part 1, Sec. 11, § 14.

[19] Quoted from the London *Tablet,* 21 Jan. 1939. "The Portuguese system is different from all totalitarian concepts of state which tend to deify the state, the

General Franco as Chief of State made known his social action program thus: "Labor will be granted an absolute guarantee, preventing its subservience to capital. . . . The security of the daily wage will be established. . . . Along with the living wage, as a reward, the workers will participate in the profits, utilities, and benefits of production. . . . But together with these rights, recognized as due to them, they have duties and obligations, especially as regards the performance of their work, and their loyal coöperation with the other elements creative of wealth." [20]

"We have seen that the program of the New Spain recognizes the right and the duty to work. This extends to men serving prison sentences and to captured Reds. . . . Allowances are increased in proportion to the number of children and part of the money may be paid to the dependents of the prisoner. There is an over-riding provision that the total payment must not exceed the average wage of the district." [21]

"The principle of the family wage is implicit in the order regulating payment for the work done by prisoners, which lays it down that the amount received should be proportionate to the number of their dependents. It is extended by the voluntary wages compensation fund. . . . Several thousand employers, headed by the public bodies, have registered under the scheme from which many thousands of work-people have benefited. This is no attack on the standard of living, for it involves no diminution of the normal wage; but it expresses the very important principle of Christian sociology that the real unit of society is the family." [22]

One cannot deny that champions, ecclesiastical and lay, have arisen in America in the cause of the Christian Democratic Social Philosophy, and lest we err by omission we refrain from the mentioning of names. We know also that groups, organizations,

people, a given doctrine or individual and which imply the surrender of individual rights and personality. It seeks rather to establish the proper adjustment of individual and collective interests, the balance between liberty and authority. Moral law is acknowledged to be a higher creation to which the state itself is subject. Hence the state must bow to the tenets of social justice. . . . The new order in Portugal holds human values very high. This was only made possible by replacing the materialistic ideals of the age by the unchanging principles of Christianity." From *Portugal*, The New State in Theory and Practice, SPN books, 1938.

[20] *Francisco Franco*, The Times and the Man.

[21] *Social Work in the New Spain*, p. 11.

[22] *Ibid.*, p. 23.

conventions, and various other bodies have accomplished much. Now we look forward to the National Social Action Congress in Cleveland, 12-14 June. The Congress will build on the foundation so well laid last year in Milwaukee. To the Milwaukee Convention is due more credit than to any previous concerted effort in this country since the inauguration of the Bishops' Program. With the experience of Milwaukee and the results of recent European conventions the Cleveland Congress hopes to be worthy of its task.

There is another reason for looking forward to the Cleveland Congress, and that is the inspiring assembly of the Hierarchy who will honor the occasion with their presence and lend their experience to the cause. They will have just celebrated the golden jubilee of their zealous and tireless co-worker in the Episcopate, the Most Reverend Archbishop-Bishop Joseph Schrembs. The Jubilarian has spent himself in the preparation of this Congress to round out his fifty years in the priesthood with a generous, valuable and constructive contribution to the betterment of his fellow men. He and his committee are resolved to make the Congress a real advancement in the science of social action. They have prepared a program in which will be seen in retrospect the achievements of individuals, of groups, and of conventions. The Congress will give its best to the end that future generations will not be deceived by violent and vicious forms of atheistic socialism, falsely labeled " for the uplift of the proletariat ". And it will make substantial contributions to the welfare of all mankind, and this through the principles of a true philosophy of Christian democracy.

JOSEPH F. WALSH

Cleveland, Ohio.

EQUIVALENT RECEPTION INTO THE CATHOLIC CHURCH.

Qu. A man had, as a child, attended a Catholic school, had been admitted to First Holy Communion, had been confirmed and had been regular in fulfilling the duties of a Catholic until about the age of twenty-one, when he married outside the Church. The non-Catholic girl he married refused to be married in the presence of a Catholic priest; and he, before a Methodist minister; they therefore married before a civil officer. The man now attends Mass and other Catholic services as regularly as circumstances will permit and is insistent in his

request to be admitted to the sacraments, if at all possible. But his wife not only refuses to permit their children to be baptized in the Catholic (they have already been baptized in the Methodist religion), but she threatens to leave him, if any of them are baptized in the Catholic Church. Moreover, the Protestant family for which they work also threatens to discharge them, if their children are baptized in the Catholic Church.

Recently it was discovered that the man as well as his parents and godparents have been registered as Methodists in the baptismal register of the Methodist Church. Hence this man seems never to have been a Catholic. Consequently his marriage, it appears, must be presumed to be valid, since the only obstacle raised against his marriage to the Methodist woman is their failure to contract their marriage before a duly authorized Catholic priest and witnesses. Now, however, it turns out that, since neither he nor the woman was a Catholic at the time, they were not bound to observe the canonical form. In view of the fact that his marriage appears to be valid and that he cannot have his children baptized and raised as Catholics without the greatest danger to himself as well as probably also to his children, may he not be received into the Church on his sincere promise to do all in his power to bring his wife and children into the Church? Cf. the conference "A Husband Turned Catholic and the 'Cautiones'," ECCLESIASTICAL REVIEW, February 1939, p. 168.

Resp. The solution of the case given in the conference referred to by our inquirer is correct. The present inquiry, however, presents points that must warn a priest not to be hasty in jumping to conclusions.

First of all, it may be true that the man in the case was born of Methodist parents and baptized in the Methodist Church. But it will be certainly necessary to inquire whether at the time of his First Holy Communion and Confirmation he was not actually received into the Catholic Church. The formal abjuration of heresy and absolution from censure are not necessary in the case of a minor under the age of puberty. Before any further steps are taken, it will be in order to inquire whether he did not formally embrace the Catholic Faith.

In the second place, even if the boy had not been formally admitted to the Catholic Church, there is the question whether he had not equivalently embraced the Catholic religion. This question cannot be settled definitely by any save the Holy Office. We have been reliably informed that in a somewhat similar case

the fact that a person who had been baptized in a non-Catholic sect and had practised the Catholic religion in good faith, was apparently accepted at least as a probable foundation for the conclusion that he had acquired membership in the Catholic Religion. The only safe course in a case of this kind in which formal reception into the Catholic Church cannot be established, is to lay all the data before the Holy Office and ask it to decide the case.

ACCUSATION BY NON-CATHOLIC OF INVALIDITY OF MARRIAGE.

In January 1928, the Holy Office determined that canon 87 controlled the right to accuse a marriage of invalidity. According to canon 87, an obstacle " obex ecclesiasticae communionis vinculum impediens " can prevent the exercise of a right otherwise conceded by law. Therefore, applying canon 87 to canon 1971, a non-Catholic would be incompetent in an ecclesiastical court to accuse his marriage of invalidity. This was an interpretation of a universal law, and it should have been considered as affecting all the ecclesiastical courts. However, since some doubt did remain, the Holy Office has now clearly settled the point, by the decree which will be found on p. 523 of this number. The decision of January 1928 affects not only the Roman Rota but also all the diocesan courts.

Another doubt settled in the decree just referred to concerns the right of a Promoter of Justice to accuse a marriage of invalidity. One assumption is that the non-Catholic has denounced his marriage as invalid and proposed this denunciation to the Promoter of Justice. A further assumption is that the Promoter of Justice has no previous faculty to take up the case. The Holy Office has declared that under these circumstances the Promoter of Justice has no right to accuse the marriage of a non-Catholic of invalidity. But one exception is made: if the public good demands that the marriage be accused of invalidity, the case can be tried. It is to be noted, however, that the judgment of the Ordinary is decisive, not the judgment of the Promoter of Justice.

COMMUNICANT'S "EYES FIXED ON SACRED HOST."

To the Editor, THE ECCLESIASTICAL REVIEW.

I have read with surprise your answer to the first question on page 470 of the May number: "What is to be said of the custom many people have of closing their eyes," etc. Your answer is: "It seems altogether reverential and quite fitting that this attitude be assumed by the communicants."

Why is it "reverential" and "fitting" to close the eyes when receiving Holy Communion? Communion is received "per modum cibi". Do we close our eyes when we eat our food? When did it become irreverent to open our eyes and see our God under the sacramental species? Does not the priest, just before Communion, command us to look at the Host? "Ecce Agnus Dei, ecce qui tollit peccata mundi." *Ecce*, behold.

Pope Pius X, "The Pope of the Blessed Sacrament", does not agree with you. In the *Larger Catechism*, prescribed by him for all the dioceses of the Province of Rome," translated by Bishop Byrne of Nashville, and published by Pustet in 1906, I find on page 147 the following:

> Q. How should we go to receive Holy Communion?
>
> A. In the act of receiving Holy Communion we should kneel, have the head slightly raised, *the eyes modest and fixed on the Sacred Host*, the mouth moderately open, and the tongue slightly over the lips". (Italics mine.)

Your answer to the second question is correct in so far as it applies to gaining the indulgences; but it does not follow that because we do not gain an indulgence we should close our eyes. There is no rubric that prescribes "closed eyes" at any time.

When Pius X first granted the indulgence for the ejaculation, "My Lord and my God," it was necessary *to look at the Host*, but it is no longer necessary, so that those in distant parts of the church, v. g. in sacristy or behind a pillar, may gain the indulgence.

At the time Pope Pius X granted that indulgence he settled a controversy as to the attitude the people should take at the Elevation of the Host,—whether to bow the head or see the Host. The Pope was calling attention to the rubric of the Mass. The priest is directed: "ostendit populo". If the priest must show

It to the people, the people should look at It. That same rubric still holds, and the people should look at the Host, if they can, whether or not they wish to say " My Lord and my God ". If they cannot see the Host—the blind, and those otherwise prevented from doing so—they may now gain the indulgence by saying the ejaculation when, by the ringing of the bell, they know that the Elevation is taking place. It seems to me that where the large church bell is rung at the time of the Elevation, even those at home may gain the indulgence. The same holds good for solemn exposition of the Blessed Sacrament.

JOHN F. GLAVIN

New York City.

PRONUNCIATION OF LATIN IN LITURGICAL SERVICES.

Qu. Has there been any decree or wish expressed to the effect that the Italian pronunciation of Latin be used at Mass, choir, etc.? Are there any books or pamphlets giving a detailed explanation of the Italian pronunciation?

Resp. There is no decree enforcing the use of the Italian pronunciation of Latin in our liturgy. Its desirability, for uniformity's sake needs no apology. The writer does not know of any Latin grammar which explains the system of pronunciation. In the ECCLESIASTICAL REVIEW, Vol. 32 (1905), p. 84, the rules of this pronunciation are summarized. A series of articles on this subject appeared in the *Catholic Choirmaster,* from September 1935 to 1937.

Book Reviews

ONE ONLY CHRIST. By Abbé Charles Grimaud. Translated by the Rev. J. F. Newcomb. New York: Benziger Brothers. 1939. Pp. 256.

This sequel to *My Mass* by the same author was written to satisfy a desire on the part of its readers for a more complete knowledge of the "wondrous things" latent under the doctrine of the Mystical Body. It is a work for the faithful "unversed in theology, yet sharing the theologians's need of union with Christ the Head". The general theme is that the member possesses everything possessed by the Head. The five parts of the book are: Our Head, Our Union with the Head, State of the Members United with Christ, Our Titles in Christ, Sons of Mary with Christ.

It is the reviewer's judgment that such a work as this, whatever its merit for the French mind, will not gain much popularity among Americans. Much of the French spiritual lyricism is found in these pages. Two headings, *The Passion, Signing of the Treaty of Peace* and *God Struck at Mankind Through Its Head,* give an indication of the method of treatment. It is true that the doctrine of the Mystical Body had been neglected up to recent years. It is also true that there is need for exposition of this truth, but flights of fancy are not usually the best method for showing truth. Why we should all regard ourselves as "Kings with Christ" or "Judges with Christ" is not quite clear. The average layman, even when he is gripped by the thought of the Mystical Body, obtains more value from an exposition of such traits in our Lord as honesty, courage and justice. The author of this volume would have done well to place the reliability of St. Luke's statement, "They understood not the word that he spoke unto them," over against his detailed description of Mary's "miraculous knowledge".

A DICTIONARY OF SAINTS. Compiled by Donald Attwater. New York, P. J. Kenedy & Sons. 1939. Pp. vii+320.

This is a companion volume and a general index to the twelve volumes of the revised edition of Butler's LIVES OF THE SAINTS. The book is complete, however, in itself and gives a short biographical summary of all the Saints and Beati in the Church's calendar. The reader will find it a most satisfactory answer to a need which many have long felt. The names of the saints are listed in alphabetical order. The description is short and abbreviations are used to indicate whether the saint's name figures in the Roman Martyrology or is commemorated liturgically in the "universal calendar," or whether

there is an ancient cult confirmed by the Holy See. For those who require a longer description, reference is made to page and volume of Butler's *Lives*. The date of commemoration is also given.

The handy form and clearly readable type of the volume make it a useful acquisition for the rectory office. Not only will it be readily available to answer questions, but parishioners waiting in the office can read it and possibly be encouraged to read further for spiritual profit.

THE WOMEN OF THE BIBLE. By Michael, Cardinal Faulhaber. London, Geo. E. J. Coldwell. 1938. Pp. 248.

In 1935 *Charakterbilder der bibl. Frauenwelt* reached its sixth edition. It is a pleasure to welcome in English this book which has come to be almost a classic on the subject of ideal womanhood. Under the careful editing of the Rev. Brendan Keogh, S.D.S., the text loses nothing of the merit it has in its original dress. This merit is multiple.

The subject of the true character and position of womanhood is always timely. This is particularly true when the source from which the principles are drawn is the inspired pages of Scripture. The ideal of biblical womanhood, expressed in the teachings of the Jews, was the hope and the consolation of the Gentile world. The Christian ideal became a social canon. The Catholic woman of to-day would do well to examine again this revealed standard of her position, if only to use it as a safeguard against the dangerous claims the world is making upon her.

The plan of the book is such as to make clear and emphatic the inspired teaching on the subject. It begins with the beautiful definition of womanly virtue in Prov. 31:10-31; it carries us through a number of illustrations taken from the Old and the New Testament; it sums up all in an excellent picture of Mary, the Queen of all women.

Cardinal Faulhaber brings to bear upon the subject two qualities which are seldom found together in such degree: sound biblical scholarship, and the practical experience of one in charge of a large diocese. His Eminence was at one time a professor of Sacred Scripture. In spite of his administrative cares, and the trying times that aggravate them, he has never ceased his active participation in Catholic biblical investigation. His pen has been active, and its fruits are considerable. In this subject of women in the Bible he has assumed the place of an authority. He has studied the subject these many years, and has compared it with the sad course of events in his own country. No one feels more keenly the dangerous position of woman in the present world. The book communicates to the reader this spirit of its author: the spirit of earnest scholarship and of deep concern.

ESSAI SUR LE PROBLEME THEOLOGIQUE. By L. Charlier, O.P., Bibliotheque Orientations, Section Scientifique, No. 1. Ramgal, Thuillies, Belgium.

The matter of this book is worthy of profound study. In general Father Charlier is concerned with showing that theology is intimately bound up with the faith, and that it consists of an explanation of those doctrines which we accept with certainty on the authority of God who has revealed them. That particular truth cannot be overstressed in our own times. The student of theology can be misled sometimes by an inexact terminology in the methodology of theology into thinking of theology as something quite separate from the faith, and a sort of intellectual gymnastic, which can be discarded with no great loss to the teaching of Catholic dogma.

In stressing his point, however, the author wanders into errors at least as reprehensible as those against which he has been working. He regards as outworn, and incidentally out of harmony with the actual teaching of Saint Thomas, the concept of a theology which is a science in the strict and Aristotelian sense of the term, a science which deduces conclusions from principles which are held with certainty in this world only with the assent of divine faith. According to his view the great commentators, particularly Bannez, Sylvius and John of Saint Thomas, developed this concept of theology as a science and thereby departed from the spirit of the Angelic Doctor. As Father Charlier sees it, a demonstration in the strict sense of the term cannot be applied in theology, at least according to the system of Saint Thomas, (p. 137).

The author considers theology as something of which the *objectum formale quod* consists primarily of the truths of faith and in a secondary manner of the truths of reason, in so far as these are referred in one way or in another to the truths of faith. Its *objectum formale quo* is the light of formal revelation. The *habitus* of faith prolongs itself in a certain sense in a *habitus* acquired by an effort of human nature. This *habitus* is theology. So the author's teaching is endowed with that formlessness which is so distinct from the traditional scholastic clarity, and unfortunately so common in recent works from across the Atlantic. This lack of precision includes and, to a certain extent at least, proceeds from a faulty concept of the theology of the Mystical Body of Christ.

While it has certain definite advantages, the book is too far out of line with traditional theology to be of any great value in the development of the methodology of this science. The scholastic position and the old positive theology of sources are, according to his teaching, to be laid aside. This attitude vitiates what might have been a great contribution to theology in modern times.

PILGRIM PLACES IN NORTH AMERICA. By Ralph and Henry Woods. New York, Longmans, Green & Co. 1939.

This little volume is a guide to one hundred and thirty-five shrines in the United States and Canada, and one in Mexico, the famous shrine of Guadalupe. The word shrine is here used in a wide significance to include not only celebrated places of pilgrimage, like Ste. Anne de Beaupré and Auriesville, and churches of historic interest, like San Miguel of Santa Fe and the Cathedral of Baltimore, but also resorts of popular devotion, such as the Franciscan Monastery in Washington, D. C., and the Central Shrine of the Miraculous Medal, in Philadelphia.

The sketches of the various pilgrim places are necessarily short because of the large number treated in so small a book. We should like to have found a more selective list and more extended information about each shrine. The work, however, is evidently designed as a guide-book rather than a manual of American Catholic history, and gives only the salient facts about each place which is described. The practical directions as to how to reach the shrines by motor are a useful feature of the book.

Naturally every reader will have his own regrets as to omissions of places of interest as well as concerning the inclusion of some shrines for which he does not share the compiler's idea of importance. While we hesitate to mention any of the latter class, we must confess to a feeling of regret to find no notice of St. Joseph's or St. Mary's, in Philadelphia, or of the Indian Mission at Canawaugha in Canada. After all, however, who is ever satisfied with an authority's list of the hundred best books? If the present volume disappoints in some omissions, there is no place which it mentions that, in the language of the Baedeckers, will not " repay a visit ".

Book Notes

Condensed but adequate is Father Joseph Guenechea's *Principia Iuris Politici.* If the second volume, which is expected soon, is on a par with this first volume, seminarians and canon law students will have a very useful aid. Naturally, the book is not an exhaustive treatise, but it does give the fundamental questions and those that are of greater moment. In presenting his material Father Guenechea follows the scholastic method, but he does not hesitate to depart from it when he feels he can give a clearer explanation by other means.

The following chapter headings give a very good idea of what the reader may expect: Notiones praeliminares (under bibliography the author does not hesitate to say "De America latina ignoramus an aliqua detur Ephemeris specialis de hac materia"); Definitio status; Proprietates et species Statuum; Causa efficiens and Causa proxima efficiens Status; Causa materialis and finalis Status; Auctoritas politica; Origo auctoritatis politicae; Formae regiminis diversae; Normae constitutionales; Potestas legifera—ordinatio suffragii; Natura camerae legiferae and Indoles iuridica membrorum camerae legiferae. (Rome, Gregorian University, pp. 325.)

To mark the centenary of the return to France of the Dominican friars, P. Lethielleux, 10 rue Cassette, Paris, presents *Une Centenaire,* 1839-1939 by Father Noble, O.P. (pp. 144) and *Lacordaire dans l'Intimité du Monastère* by Canon Gellon (pp. 120). Father Noble's book is thoroughly historical. He has consulted all the worth-while biographies of Lacordaire as well as unpublished documents to show the spiritual, intellectual and physical forces expended by the great preacher to reëstablish and preserve the Order in France. Canon Gellon's volume will give a new viewpoint to those who have an impression of Lacordaire as a popular preacher, constantly on the move from one pulpit to another. While concise, the work gives all necessary detail and is well documented.

Father Winfrid Herbst, who has so many books to his credit, presents *Ready Replies on Religion* in catechetical form. There is not much order in the volume; the author calls it a catechism of many things; but an index and a table of contents make it easy to follow. It contains quite a bit of interesting and valuable informatiton.

So interesting is the industrial depression to those who must be concerned with the social as well as the financial world that they eagerly scan even those reports that have a decidedly political flavor. Reports by disinterested agencies are even more welcomed and studied. A book that will be widely read is *Some Social Aspects of the Depression* (1930-35), by Clarence J. Enzler, Ph.D., a K. of C. scholar at the Catholic University.

Dr. Enzler is concerned with discovering the effects of the depression on the production of economic goods, on crime, health, educational facilities, suicide, divorce, mental disorders, marriage, birth rates, social unrest, governmental interference in business and social life, and variations in our social and economic philosophy. A very ambitious program indeed, and one that can only be treated in outline within the compass of two hundred pages. The author, however, has done a good piece of work and his splendid bibliography will be of great assistance to those who wish to delve further. Parish priests as well as diocesan charity officials will find much of interest in the volume. (Washington, The Catholic University of America Press. Pp. xii + 187. Price $1.75.)

. . *The First Book of Psalms* (Pss. I-XLI), with an Introduction and notes by Father Cuthbert Lattey, S.J., is the latest volume of The Westminster Version of the Sacred Scriptures. With the projected two volumes to cover the rest of the Psalms, it is likely to be the most popular section of the Westminster Version. In his introduction, which treats of the content, structure and authorship of the Psalms, Father Lattey has packed a good measure of interesting instruction, and the same can be said of the footnotes at the end of each psalm. Priest and layman will find the book very much to their liking and profit. (New York, Longmans Green & Co. Pp. xxxviii + 147.)

Read into the *Congressional Record*, Father Edward A. Keller's *A Study of the Physical Assets, Sometimes Called Wealth of the United States 1922-1933*, has received much favorable circulation. The object of the book is "to find the truth about our material existence (using official governmental data) and to translate this truth into words so simple that anyone can understand it".

The book is called a primer and is printed in large type on a 10x12 page. The first part is written in short sentences, with plenty of capital letters, much white space, and the facts are presented very clearly. But there is nothing of the primary grade about Parts 2 and 3 which present "Data Regarding Physical Assets" and "Sources and Methods". Page after page of tables and summaries support what is said or implied in Part 1. One particularly interesting table is that of the estimated value of tax-exempt property showing that in 1922 71.82% of tax-exempt property was publicly owned and in 1933 it was 70.66%. Such figures must be disconcerting to the group that would leave the impression that all tax-exempt property is owned by religious organizations. If you agree that Belloc's *Economics for Helen* is easy reading for a little girl, then Father Keller's book is a primer. If you think otherwise, prepare for real economics when you pick up this book. Some would have preferred a format that would have made the book easier to hold and easier to keep on a book shelf.

One of those little volumes that annoy the professional theologian but which nuns and pious layfolk find eminently satisfying is *The Priceless Pearl or Humility of Heart* by Sister M. Aloysi Kiener. Benziger Brothers, New York. Pp. 78.) The book is a translation from the Spanish of Don Sans of Santa Catharina, and was written by him for his religious. It is a series of short essays on pride and humility. The language is simple and direct in the main, with only here and there a bit of emotionalism. It is a book that many a seeker after perfection will thoroughly enjoy.

Those who like to mull over Latin poetry, either for the novelty of it or to sharpen their own use of the idiom, will enjoy Paschale P. Parente's *Roma Inocidua*. The nineteen *carmina* reveal a "feel" for Latinity that is not too common to-day, and a real poetic touch. (Washington, Catholic University of America Press. Pp. 45. Price 25c.)

The Life and Times of St. Basil the Great as Revealed in His Works, by Sister Margaret Mary Fox, considers the economic and professional as well as the social and political life and the Christian society of the fourth century. In spite of its somewhat pedantic style, the book gives a very adequate idea of how people lived in those days. The eight pages on "taxation" have a very modern flavor. St. Basil is authority for the statement that "not even the Pythagoreans cling so tenaciously to the 'quaternion' as the tax-collector of to-day to their fourfold". St. Basil was kept as busy as the modern pastor interceding for reductions and immunities from taxation for his poor, his charitable institutions and his own church property. (Washington, Catholic University of America Press. Pp. xvi + 172. Price $2.00.)

Sheed & Ward (New York; pp. 147; price 75c.) present a new edition of Mr. Sheed's *A Map of Life*. The book is so well known to priests that nothing more need be said. The new format, being a bit less bulky, makes the book even better to lend the non-Catholic who is under instructions.

The new high in book titles seems to be reached by Sister Christina Schwartz's *The Catholic Church Working Through Its Individual Members in any Age and Nation Makes a Positive Social Contribution, as seen in France: 1815-1870*. The priest who can hurdle this title, however, will find in the book six chapters on Catholic sociology in France that will furnish material for interesting talks to Catholic organizations, sodalities and societies. The dissertation studies poor relief, service to the sick, education, care of the homeless and wayward and spiritual ministrations in mid-nineteenth century France. It is not a mere tabulation of francs collected and families aided, but a study of Catholic men and women whose Christian charity enabled them to perform works which were a benediction to their land: "These true Catholic sociologists gave emphasis to the restoration of society to the supernatural state

for which God intended it." A valuable addition to the book is an Appendix giving a short biography of the individuals mentioned in the study. They led fairly commonplace lives, and were faced with the doubts and difficulties that beset most of us to-day. They had their personal weaknesses, their tendencies to timidity or audacity, their joys and sorrows. What distinguished them was that they believed in, acted upon and lived with complete conviction things which most of us believe in only vaguely. Above all, their faith was so intense and their love so ardent that they forgot themselves and lived to serve God alone in the person of their neighbor. (Washington, Catholic University of America Press. Pp. x + 106. Price $1.75.)

An interesting addition to Catholic missionary literature is Pierre Croidys' *Le Christ en Marche au Congo* (Paris. Editions Spes; pp. 277). The book gives the usual vignettes of mission life, stories of interesting converts and a few of the privations suffered by the missionaries. Probably the most interesting chapter is the last, which gives statistics showing that in 1926 only 3.4% of the total population of French Congo, Ruanda and Urundi was baptized; in 1936, the percentage had risen to 11.5%. The number of catechumens had likewise increased by 710,092. The White Fathers first entered this district in 1880, yet the gain for the decade ending 1936 was more than double the progress of the first forty-six years. It would appear that the sowing of the early missionaries is at last bearing fruit.

Holy Mass through the Passion is a well conceived and attractively bound little manual (4½ x 3 inches; 196 clearly printed pages) that can serve both as a prayer book and as a text book for the class room. It is designed to help the children to follow with understanding and sympathy the words and actions of the Mass as it enacts the drama of Calvary. In this way the pupil will not only follow the Holy Sacrifice of the Cross, but will really participate in its unbloody commemoration in the Mass. All this is made easy by picture, by the words of the Missal explaining the picture, followed by a brief thought, and then the resulting fruit or resolution. With this dainty and practical booklet in the hands of the pupils, the teacher should find it practical and facile to interest and instruct them in the vital meaning and value of this central act of our Catholic creed and observance. (Sister M. Veronica, R.S.M., Convent, Maclay Street, Harrisburg, Pa. Price, amazingly small, according to binding and number of copies ordered; all beautifully bound; ranging from 35c. to $1.00 wholesale.)

Beyond the Altar Rail, by Thomas H. Moore, S.J., is a series of ten thoughtful essays which "attempt to reach the meaning which hides beneath the symbolism of the Mass". The book is written for the laity and the author seems to favor the *missa recitata* as tending "to bring the congregation closer to the altar". The book is not to be read in church, but to be read quietly and intelligently so that the Holy Sacrifice becomes to the worshipper something more than a simple act of faith. (New York. Fordham University Press. Pp. xi + 112.)

Students of the liturgy and rubrics will find Dr. Polycarp Sawicki's study *De Missa Conventuali in Capitulis et apud Religiosos* much to their liking. The first three chapters consider the conventual Mass in its historico-juridical evolution; the other four chapters are concerned with the canon law on the subject. The obligation, the gravity and the ceasing of the obligation, and "quaestiones selectae de iure liturgico" (time of celebrating; number and quality; votive and requiem Masses, etc.) are the principal topics considered. There is an appendix of twenty pages, "De Missa Conventuali in Ordine S. Pauli I Eremitae".

Americans are likely to wish that the dissertation was a bit more practical and that there was more commentary. As it is, it should prove helpful in many a monastery library. The book can be obtained from the author at Jasna Góra, Czestochowa, Poland.

Through the Catholic University of America, the hierarchy of the United States have opened a crusade for democracy. As Father Joseph Vaughn says in his preface to *The Modern Social and Economic Order*, "The Bishops of the United States would revive directly

amongst Catholics, and indirectly they hope amongst all our people, a knowledge of the Christian principles on which our American democracy was built." This book is an effort to assist in that revival.

It is a symposium of learned articles by specialists. Bishop Noll's Introduction points out that its nineteen chapters deal with—(1) modern government; (2) industrial and economic order; (3) rights of capital and labor; (4) labor unions and the objectives sought through unionization; (5) banking and money; (6) problems of the farmer and his relation to the city worker. The book is a short course in social science, and the Catholic should be acquainted with its contents before delving into more specialized studies of economics and sociology. The price is very reasonable for a book of its worth. (Huntington, Indiana, Our Sunday Visitor Press. Pp. xiv + 384. Price, $1.00.)

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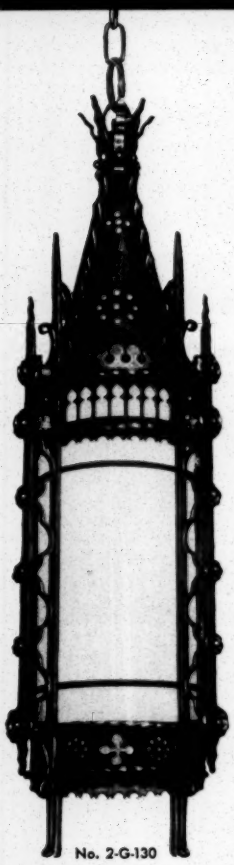

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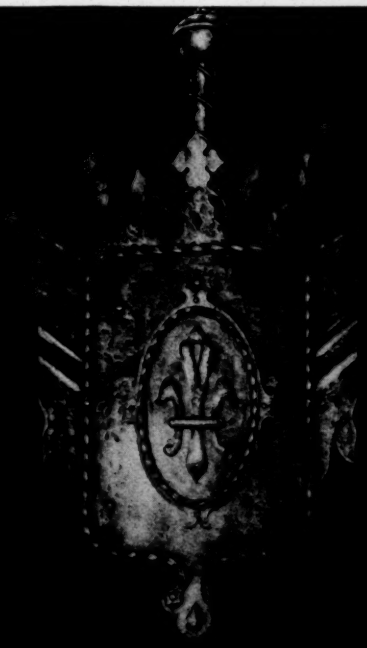

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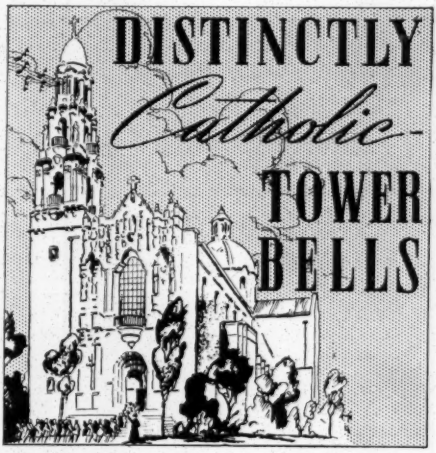

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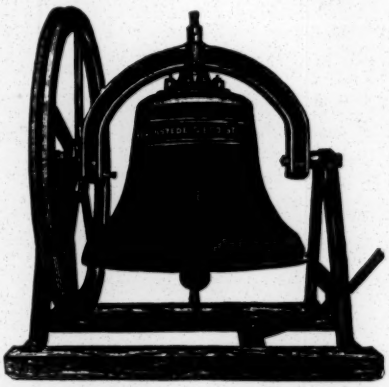

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